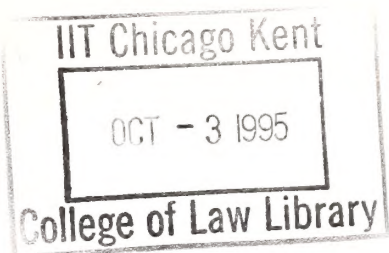


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Illinois Register

Rules of Governmental Agencies

Volume 19, Issue 39— September 29, 1995

Pages 13481 - 13609

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Secretary of State

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April	14, 1995 - Issue 15: Through	March	31, 1995
July	14, 1995 - Issue 28: Through	June	30, 1995
October	13, 1995 - Issue 41: Through	September	30, 1995
January	12, 1996 - Issue 2: Through	December	31, 1995 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1995

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995	June 27, 1995	July 3, 1995	28	July 14, 1995
Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995	July 3, 1995	July 11, 1995	29	July 21, 1995
Jan. 3, 1995	Jan. 10, 1995	3	Jan. 20, 1995	July 11, 1995	July 18, 1995	30	July 28, 1995
Jan. 10, 1995	Jan. 17, 1995	4	Jan. 27, 1995	July 18, 1995	July 25, 1995	31	Aug. 4, 1995
Jan. 17, 1995	Jan. 24, 1995	5	Feb. 3, 1995	July 25, 1995	Aug. 1, 1995	32	Aug. 11, 1995
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June 20, 1995	June 27, 1995	27	July 7, 1995	Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULE

1) Heading of the Part: Environmental Laboratory Certification Fee Rules2) Code Citation: 35 Ill. Adm. Code 1853) Section Numbers:

185.101	New Section
185.102	New Section
185.103	New Section
185.104	New Section
185.105	New Section
185.201	New Section
185.202	New Section
185.203	New Section
185.204	New Section
185.301	New Section
185.302	New Section

Proposed Action:4) Statutory Authority: Implementing and authorized by Section 17.8 of the Illinois Environmental Protection Act (Act) [415 ILCS 5] (see Public Act 89-0368, effective January 1, 1996).

5) A Complete Description of the Subjects and Issues Involved: The new rules will establish the procedures to allow the Illinois Environmental Protection Agency (Agency) to determine and to collect the annual administrative assessment and the laboratory certification assessments from environmental laboratories for public water supply analyses, water pollution analyses, and for hazardous and other waste parameters. The rules are intended to implement the Environmental Laboratory Fee Certification Program as enacted by Public Act 89-0368 which was signed by the Governor on August 18, 1995 to be effective on January 1, 1996.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this part? No10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a mandate under Section 3 of the State Mandates Act (30 ILCS 805/3).11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULE

notice. Comments should be sent to:

Karl Reed, Manager Quality Assurance Section
Division of Laboratories
Illinois Environmental Protection Agency
2200 Churchill Road, P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-6455

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Small environmental laboratories will be provided the opportunity to be certified for a fee for public water supply analyses, water pollution analyses, and for hazardous and other waste parameters by the Agency.

B) Reporting, bookkeeping or other procedures required for compliance: The small environmental laboratory will have to do the reporting, bookkeeping, and other procedures to maintain its certification.

C) Types of professional skills necessary for compliance: The environmental laboratory certification rules require professional laboratory skills for maintenance of the certification.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Rule begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULE

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE A: GENERAL PROVISIONS

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 185

ENVIRONMENTAL LABORATORY CERTIFICATION FEE RULES

SUBPART A: GENERAL

Section

185.101

Purpose

185.102 Applicability

185.103 Definitions

185.104 Relation to Other Fee Systems and Out-of-State Certification and Reciprocity Agreements

185.105 Severability

SUBPART B: PROCEDURES FOR DETERMINATION AND PAYMENT OF ASSESSMENTS

Section

185.201 Amount of the Assessments

185.202 Manner of Payment

185.203 Prohibition Against Refund

185.204 Audit and Access to Records

SUBPART C: PROCEDURES FOR PROCESSING APPLICATIONS

Section

185.301 Applications Containing the Entire Assessment

185.302 Applications Not Containing the Entire Assessment

AUTHORITY: Implementing and authorized by Section 17.8 of the Environmental Protection Act [415 ILCS 5/17.8] (see P.A. 89-0368, effective January 1, 1996).

SOURCE: Adopted at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 185.101 Purpose

The purpose of this Part is to establish procedures for the determination and the collection of the annual administrative assessment and the annual laboratory certification assessments from environmental laboratories for public water supply analyses, water pollution analyses, and for hazardous and other waste parameters.

Section 185.102 Applicability

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULE

a) Except as provided otherwise in subsection (b), this Part applies to each environmental laboratory that submits an application for certification or for renewal of certification for public water supply analyses, water pollution analyses, and for hazardous and other waste parameters.

b) No assessment for the certification of environmental laboratories shall be due under this Part from any department, agency, or unit of State government or municipal government that conducts analyses of samples from public water supplies.

Section 185.103 Definitions

Unless specified otherwise, all terms shall have the meaning set forth in the Act. For purposes of this Part, the following definitions apply:

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Applicant" means an environmental laboratory that applies for certification and determination of assessments for public water supply analyses, water pollution analyses, and for hazardous and other waste parameters pursuant to Section 17.8 of the Act.

"Assessment" or "Fee" means the assessment prescribed by Section 17.8 of the Act.

Section 185.104 Relation to Other Fee Systems and Out-of-State Certification and Reciprocity Agreements

a) The assessments collected pursuant to this Part, and the assessment collection procedures set forth in this Part, are separate from, and in addition to, all other fees and fee systems established by law.

b) No assessments will be waived due to out-of-state certification or reciprocity agreements.

Section 185.105 Severability

If any provision of this Part or the application thereof to any person or in any circumstance is adjudged invalid, such adjudication shall not affect the validity of this Part as a whole or any provision thereof not adjudged invalid.

SUBPART B: PROCEDURES FOR DETERMINATION AND PAYMENT OF ASSESSMENTS

Section 185.201 Amount of the Assessments

a) Beginning January 1, 1996 and each year thereafter, each laboratory shall pay an annual administrative assessment of \$350 at the time the

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULE

laboratory submits its request for certification, in addition to the certification assessment specified in subsection (b).

- b) Beginning January 1, 1996 and each year thereafter, each laboratory that requests certification shall pay the assessment for each certification based upon the following schedule:

1) For certification to conduct public water supply analyses:

- A) \$350 per year for inorganic parameters; and
B) \$350 per year for organic parameters.

2) For certification to conduct water pollution analyses:

- A) \$700 per year for inorganic parameters; and
B) \$700 per year for organic parameters.

3) For certification to conduct analyses of solid or liquid samples for hazardous or other waste parameters:

- A) \$900 per year for inorganic parameters; and
B) \$900 per year for organic parameters.

Section 185.202 Manner of Payment

Payment of the assessment must be by check or money order payable to: "Treasurer, State of Illinois" and shall be submitted with the certification application to:

Illinois Environmental Protection Agency
Division of Laboratories
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

Section 185.203 Prohibition Against Refund

Any assessment remitted to the Agency under this Part shall not be refunded at any time for any reason, either in whole or in part.

Section 185.204 Audit and Access to Records

- a) Each applicant for which an assessment is due under this Part shall preserve and maintain all records relating to this assessment for at least 5 years after the date that the application is received by the Agency.
- b) The records described in subsection (a) shall be available to the Agency or its authorized representative (e.g., auditor, contractor) for examination during normal business hours.

SUBPART C: PROCEDURES FOR PROCESSING APPLICATIONS

Section 185.301 Applications Containing the Entire Assessment

Applications received by the Agency will be logged in and assigned a receipt

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULE

date and number if the following conditions are met:

- a) The application is complete in accordance with Section 17.8 of the Act and this Part; and
- b) The entire assessment due under Section 185.201 of this Part is included with the application.

Section 185.302 Applications Not Containing the Entire Assessment

Applications not containing the entire assessment shall be considered incomplete and the Agency shall take the following actions in response to such application:

- a) The Agency shall deposit any assessments submitted along with the application, and shall notify the applicant by certified mail of the assessment deficiency. Within 30 days the applicant must submit the balance of the assessment that is due.
- b) If the entire assessment due is received by the Agency within 30 days after issuance of the notice under subsection (a), the Agency shall log in the receipt of the application and review it in accordance with Section 185.301 of this Part.

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Recipient Rights2) Code Citation: 59 Ill. Adm. Code 1113) Section Number: Proposed Action:

111.30

Added

4) Statutory Authority: Implementing the National Voter Registration Act of 1993 (42 U.S.C. 1973gg (1995)) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

5) A Complete Description of the Subjects and Issues Involved: Section 111.30 sets out the procedures for State-operated facilities and community agencies providing mental health and developmental disabilities services to offer service applicants the opportunity to register to vote in federal elections only. It also sets out requirements for sending completed registration forms to the election authority of the location where the applicant resides and for retention of voter information forms completed by service applicants.

6) Will this proposed amendment replace an emergency rule currently in effect? Yes, this rulemaking will replace emergency rulemaking which is identical to this rulemaking and which is published in this issue of the Illinois Register.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporation by reference? This rulemaking incorporates by reference federal statutes and the rules of another State agency.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act [30 ILCS 805].

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to:

Judith Hollenberg
Rules Administrator

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Mental Health and Developmental Disabilities
403 Stratton Building
Springfield, IL 62765
(217)785-3313 or FAX: (217)524-0835

12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: Private and not-for-profit agencies providing mental health or developmental disabilities services.

B) Reporting, bookkeeping or other procedures required for compliance: Voter registration forms must be retained for five years. Agencies must certify annually that they are in compliance with the National Voter Registration Act.

C) Types of professional skills necessary for compliance: No special skills required.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendment is the same as the Emergency Amendment which appears on page 13586 of this issue of the Illinois Register.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Aid to the Aged, Blind or Disabled

2) Code Citation: 89 Ill. Adm. Code 113

3) Section Numbers: Proposed Action:

113.262

New Section

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

5) Complete Description of the Subjects and Issues Involved: These proposed amendments establish procedures for diverting a client's income to meet the needs of an ineligible dependent spouse and children. The establishment of these procedures will allow the Department to eliminate the grant adjustment allowance when determining the needs of ineligible dependents.

As a result of this rulemaking, a client's non-SSI income may be diverted to meet the needs of the following individuals who live in the home and have insufficient income to meet their needs:

- a. an ineligible dependent spouse, and
- b. an ineligible dependent child or children under age 21.

The non-SSI income can be diverted in an amount equal to the total amount of needs of the ineligible dependent or dependents minus the income of the dependent or dependents. The client's income is not diverted when the client's only income is SSI or the spouse and/or child or children are receiving public assistance (WAG or MANG).

If the client's income can be diverted to meet the needs of an ineligible dependent spouse and child or children, the amount of income to divert will be determined as follows:

- a. The needs of the ineligible spouse and/or children are determined. If the ineligible dependent is a spouse with no dependent children, the AABD financial assistance standard will be used to determine the dependent spouse's needs. A grant adjustment allowance will not be included when that determination is made. If the ineligible dependent or dependents is a child or children or a spouse and a child or children, the AFDC payment level appropriate for the county in which the family resides will be used to determine the needs of the dependents.
- b. The amount of countable monthly income of the spouse and/or children is determined.
- c. The needs of the spouse and/or children is compared to their countable monthly income.

1. If the income of the spouse and/or children is greater than their needs, the client's income is not diverted.
2. If the income of the spouse and/or children is less than their needs, the client's income is diverted in an amount which is the lesser of the client's non-SSI income or the

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

unmet needs of the spouse and/or children.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
113.1	Amendment	June 23, 1995 (19 Ill. Reg. 8057)
113.40	Amendment	June 23, 1995 (19 Ill. Reg. 8057)
113.50	Amendment	June 23, 1995 (19 Ill. Reg. 8057)
113.330	Repeal	June 23, 1995 (19 Ill. Reg. 8057)
113.400	Amendment	June 23, 1995 (19 Ill. Reg. 8057)
113.405	Repeal	June 23, 1995 (19 Ill. Reg. 8057)
113.410	Repeal	June 23, 1995 (19 Ill. Reg. 8057)
113.415	Repeal	June 23, 1995 (19 Ill. Reg. 8057)
113.420	Repeal	June 23, 1995 (19 Ill. Reg. 8057)
113.425	Repeal	June 23, 1995 (19 Ill. Reg. 8057)
113.430	Repeal	June 23, 1995 (19 Ill. Reg. 8057)
113.435	Repeal	June 23, 1995 (19 Ill. Reg. 8057)
113.440	Repeal	June 23, 1995 (19 Ill. Reg. 8057)
113.445	Repeal	June 23, 1995 (19 Ill. Reg. 8057)
113.450	Repeal	June 23, 1995 (19 Ill. Reg. 8057)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave., E., 3rd Floor
Springfield, Illinois 62762
Phone: (217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act (5 ILCS

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

100/5-40].

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summerized: This rule was not included on either of the two most recent agenda because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

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SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

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DEPARTMENT OF PUBLIC AID

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 113.440 Attorney's Fees for SSI Applicants
 113.445 Advocacy Program for Persons Receiving Interim Assistance
 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13,

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1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 9166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill.

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Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 11, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of

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150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. _____, effective _____.

SUBPART D: PAYMENT AMOUNTS

Section 113.262 Meeting the Needs of an Ineligible Dependent with Client's Income

- a) The client's non-SSI income may be diverted to meet the needs of an ineligible dependent who has insufficient income to meet his or her own needs.
- b) The non-SSI income is diverted in an amount equal to the total amount of needs of the ineligible dependent or dependents less the income of the dependent or dependents. The amount of diverted income shall not exceed the total of the client's non-SSI budgetable income.
- 1) If the ineligible dependent is a spouse only, the AABD financial assistance standard shall be used to determine the dependent's needs. A grant adjustment allowance shall not be included.
- 2) If the ineligible dependent or dependents is a child or children or a spouse and a child or children, the AFDC Payment Level shall be used to determine the dependent's needs.

(Source: Added at 19 Ill. Reg. _____, effective _____.)

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- 1) Heading of the Part: Food Service Sanitation Code
- 2) Code Citation: 77 Ill. Adm. Code 750
- 3) Section Numbers: Proposed Action:
 750.5 Amendment
 750.10 Amendment
 750.110 Amendment
 750.3100 Amendment
 750.3300 New Section
- 4) Statutory Authority:
 Illinois Food, Drug and Cosmetic Act [410 ILCS 620]
 Sanitary Food Preparation Act [410 ILCS 650]
 Good Samaritan Food Donor Act [745 ILCS 50]

5) A Complete Description of the Subjects and Issues Involved:

Ever since the Good Samaritan Food Donor Act was amended, effective January 1, 1993, to provide immunity from liability for donors of wild game, the Department has received numerous requests for clarification in the Food Service Sanitation Code of the issue of the use of uninspected wild game. This proposed rulemaking will clarify the discrepancy between Section 750.110(d), which requires all meat of mammalian and avian origin to be inspected, and Section 3(a-5) of the Good Samaritan Food Donor Act, which allows uninspected wild game to be served at special events such as wild game dinners, provided a placard is present stating that the game is uninspected. The rulemaking will also add the definition of "game animal", as the term is used but not defined.

Another issue that is addressed in this rulemaking, on which the Department has received requests from retail stores and outlets, is for the criteria for curing of meat and poultry from the FDA's 1993 Food Code to be incorporated into Illinois' rules. Section 750.3100(e) currently prohibits the use of preservatives as an allowable seasoning in retail food stores. The proposed amendments would require retail food stores that want to begin using preservatives in curing operations to obtain prior approval from the local health department in their jurisdiction, with final approval from the Department. The curing operations must be based on a comprehensive Hazard Analysis Critical Control Point (HACCP) plan, as outlined in the proposed amendments.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

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- 8) Does this Rulemaking Contain any Incorporations by Reference? Yes
- 9) Are there any Other Proposed Amendments Pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
750.110	Amendment	19 Ill. Reg. 553 January 20, 1995
750.120	Amendment	19 Ill. Reg. 553 January 20, 1995
750.140	Amendment	19 Ill. Reg. 553 January 20, 1995
750.160	Amendment	19 Ill. Reg. 553 January 20, 1995
750.180	Amendment	19 Ill. Reg. 553 January 20, 1995
750.185	New Section	19 Ill. Reg. 553 January 20, 1995
750.186	New Section	19 Ill. Reg. 553 January 20, 1995
750.187	New Section	19 Ill. Reg. 553 January 20, 1995
750.189	New Section	19 Ill. Reg. 553 January 20, 1995
750.240	Amendment	19 Ill. Reg. 553 January 20, 1995
750.250	Amendment	19 Ill. Reg. 553 January 20, 1995
750.310	Amendment	19 Ill. Reg. 553 January 20, 1995

10) Statement of Statewide Policy Objectives:

This rulemaking could create a State mandate on units of local government, i.e., local health departments.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. Devito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, (217)782-6187, within 45 days after this issue of the *Illinois Register*.

These rules may have an impact on small businesses. In accordance with the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. Devito at the above address.

Any small business commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities, and Not-For-Profit Corporations Affected: Small retail food establishments.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: Submission of a HACCP plan with the results of a laboratory test before use of preservatives can be approved.

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- C) Types of Professional Skills Necessary for Compliance: Training in the use of preservatives and the proposed new Section of the rules that relates to the use of preservatives.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: Changes to the Food Service Sanitation Code were not requested in time for the rulemaking to appear on the July agenda.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH,
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 750

FOOD SERVICE SANITATION CODE

SUBPART A: GENERAL PROVISIONS

Section
750.5 Incorporated Materials
750.10 Definitions
750.20 Inspections and Inspection Report

SUBPART B: FOOD SUPPLIES

Section
750.100 General
750.110 Special Requirements
750.120 General - Food Protection
750.130 General - Food Storage
750.140 Refrigerated Storage
750.150 Hot Storage
750.155 Damaged Food Containers
750.160 General - Food Preparation
750.170 Raw Fruits and Raw Vegetables
750.180 Cooking Potentially Hazardous Foods
750.190 Dry Milk and Dry Milk Products
750.200 Liquid, Frozen, Dry Eggs and Egg Products
750.210 Reheating
750.220 Nondairy Products
750.230 Product Thermometers
750.240 Thawing Potentially Hazardous Foods
750.250 Food Display and Service of Potentially Hazardous Food
750.260 Display Equipment
750.270 Reuse of Tableware
750.280 Dispensing Utensils
750.290 Ice Dispensing
750.300 Condiment Dispensing
750.310 Milk and Cream Dispensing
750.320 Re-Service
750.330 General - Food Transportation

SUBPART C: PERSONNEL

Section
750.500 General - Employee Health
750.510 General - Personal Cleanliness

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750.520 General - Clothing
750.530 General - Employee Practices
750.540 Management Sanitation Training and Certification
750.550 Management Sanitation Certification Examination (Repealed)
750.551 Certificate Issuance
750.560 Certificate Revocation or Suspension

SUBPART D: EQUIPMENT AND UTENSILS

Section
750.600 General - Materials
750.610 Solder
750.620 Wood
750.630 Plastics
750.640 Mollusk and Crustacea Shells
750.650 General - Design and Fabrication
750.660 Accessibility
750.670 In-Place Cleaning
750.680 Thermometers
750.690 Non-Food-Contact Surfaces
750.700 Ventilation Hoods
750.710 General - Equipment Installation and Location
750.720 Table-Mounted Equipment
750.730 Portable Equipment
750.740 Floor-Mounted Equipment
750.750 Aisles and Working Spaces

SUBPART E: CLEANING, SANITIZING, AND STORAGE OF EQUIPMENT AND UTENSILS

Section
750.800 Cleaning Frequency
750.810 Wiping Cloths
750.820 Manual Cleaning and Sanitizing
750.830 Mechanical Cleaning and Sanitizing
750.840 Drying
750.850 Equipment, Utensil, and Tableware Handling
750.860 Equipment, Utensil, and Tableware Storage
750.870 Pre-Set Tableware
750.880 Single-Service Articles
750.890 Prohibited Storage Area

SUBPART F: SANITARY FACILITIES AND CONTROLS

Section
750.1000 General - Water Supply
750.1010 Transportation
750.1020 Bottled Water

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750.1030 Water Under Pressure
 750.1040 Steam
 750.1050 General - Sewage Disposal
 750.1060 General - Plumbing
 750.1070 Nonpotable System
 750.1080 Backflow
 750.1090 Grease Traps
 750.1100 Drains
 750.1110 General - Toilet Facilities
 750.1120 General - Lavatory Facilities
 750.1130 Containers - Garbage and Refuse
 750.1140 Garbage and Refuse Storage
 750.1150 Disposal of Garbage and Rubbish
 750.1160 General - Insect and Rodent Control
 750.1170 Protection of Openings Against Entrance of Insects and Rodents

SUBPART G: CONSTRUCTION AND MAINTENANCE OF
PHYSICAL FACILITIES

Section
 750.1200 General - Floors
 750.1210 General - Walls and Ceilings
 750.1220 General - Cleaning Physical Facilities
 750.1230 General - Lighting
 750.1240 Protective Light Shielding
 750.1250 General - Ventilation
 750.1260 Special Ventilation
 750.1270 Dressing Areas
 750.1280 Lockers
 750.1290 Poisonous or Toxic Materials Permitted
 750.1300 Labeling of Poisonous or Toxic Materials
 750.1310 Storage of Poisonous or Toxic Materials
 750.1320 Use of Poisonous or Toxic Materials
 750.1330 Personal Medications
 750.1340 First-Aid Supplies
 750.1350 General - Premises
 750.1360 Living Areas
 750.1370 Laundry Facilities
 750.1380 Linens and Clothes Storage
 750.1390 Cleaning Equipment Storage
 750.1400 Animals

SUBPART H: MOBILE FOOD SERVICE

Section
 750.1500 General - Mobile Food Units
 750.1510 Restricted Operation
 750.1520 Single-Service Articles

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750.1530 Water Systems
 750.1540 Waste Retention
 750.1550 Base of Operations
 750.1560 Servicing Area
 750.1570 Servicing Operations

SUBPART I: TEMPORARY FOOD SERVICE

Section
 750.1600 General - Temporary Food Service Establishments
 750.1610 Restricted Operations
 750.1620 Ice
 750.1630 Equipment
 750.1640 Water
 750.1650 Wet Storage
 750.1660 Waste Disposal
 750.1670 Handwashing
 750.1680 Floors
 750.1690 Walls and Ceilings of Food Preparation Areas
 750.1700 Single-Service Articles

SUBPART J: FOOD SERVICE SANITATION MANAGER CERTIFICATION

Section
 750.1800 General
 750.1810 Instructor Approval
 750.1815 Instructor Denial
 750.1820 Course Content
 750.1830 Course Approval
 750.1835 Make Up Work
 750.1836 Home Study
 750.1837 Course Waiver
 750.1838 Course Denial
 750.1840 Reciprocity
 750.1850 Certification Examination
 750.1855 Testing Criteria
 750.1860 Examination Notification
 750.1861 Class Enrollment Form
 750.1862 Administration of Examination
 750.1865 Monitors
 750.1868 Cheating
 750.1870 Re-test Class
 750.1876 Dictionary
 750.1880 Retake Examination
 750.1890 Certificates
 750.1895 Change of Address

SUBPART K: REDUCED OXYGEN PACKAGING

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Section

750.2000 General

750.2010 Acceptable Products

750.2020 Employee Training

750.2030 Refrigeration Requirements

750.2031 Labeling - Refrigeration Statements

750.2032 Labeling - "Use By" Dates

750.2040 Safety Barriers

750.2041 Fish and Fishery Products

750.2042 Safety Barrier Verification

750.2050 Hazard Analysis Critical Control Point (HACCP) Program

750.2060 Precautions Against Contamination

750.2070 Disposition of Expired Product

750.2080 Dedicated Area/Restricted Access

SUBPART L: MEAT/POULTRY PROCESSING AND LABELING

Section

750.3000 Exceptions

750.3100 Meat and Poultry Labeling

750.3200 Smoked Meat, Poultry and Other Food Products

750.3300 Curing of Meat and Poultry

APPENDIX A

Retail Food Sanitary Inspection Report

APPENDIX B Examination Date Notification Form

APPENDIX C Class Enrollment Form

APPENDIX D Permission to Retake Certification Examination Form

APPENDIX E Monitor's Agreement Form

AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act [410 ILCS 520] and the Sanitary Food Preparation Act [410 ILCS 650] and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/21] and Section 11.1 of the Sanitary Food Preparation Act [410 ILCS 650/11.1] and the Food Handling Regulation Enforcement Act [410 ILCS 625].

SOURCE: Adopted December 23, 1975; amended at 2 Ill. Reg. 19, p. 180, effective May 13, 1978; old rules repealed, new rules adopted and codified at 7 Ill. Reg. 1336, effective January 25, 1983; amended at 7 Ill. Reg. 16415, effective November 23, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 18735, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988, for a maximum of 50 days; amended at 12 Ill. Reg. 17918, effective December 1, 1988; amended at 13 Ill. Reg. 1819, effective January 30, 1989; amended at 13 Ill. Reg. 18888, effective December 1, 1989; amended at 14 Ill. Reg. 19975, effective January 1, 1991; amended at 14 Ill. Reg. 20535, effective January 1, 1991; amended at 16 Ill. Reg. 15995, effective October 1, 1992; amended at 17 Ill. Reg. 18588, effective October 15, 1993; amended at 19 Ill. Reg. _____, effective

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SUBPART A: GENERAL PROVISIONS

Section 750.5 Incorporated Materials

The following materials are incorporated or referenced in this Part:

- a) Salvage Warehouses and Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices and Cosmetics (77 Ill. Adm. Code 725).
- b) The Illinois Plumbing Code (77 Ill. Adm. Code 890).
- c) Drinking Water Systems Code (77 Ill. Adm. Code 900).
- d) Official Methods of Analysis of the Association of Official Analytical Chemists, 15th Edition, published by the Association of Official Analytical Chemists (1990), 111 North Nineteenth Street, Suite 210, Arlington, Virginia 22209.
- e) Standard Methods for the Examination of Dairy Products, 15th Edition, published by the American Public Health Association (1989), 1015 Fifteenth Street, N.W., Washington, D.C. 20036.
- f) Code of Federal Regulations, published by the Office of the Federal Register, National Archives and Records Administration (1995), U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328

1) 9 CFR 1 (Animals and Animal Products; Animal Welfare, Definition of Terms);

2) 9 CFR 301 (Animals and Animal Products; Mandatory Meat Inspection, Definitions);

3) 9 CFR 318 (Animals and Animal Products; Mandatory Meat Inspection, Entry into official establishments; reinspection and preparation of products); and

4) 9 CFR 381 (Animals and Animal Products; Mandatory Poultry Products Inspection, Poultry products inspection regulations).

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 750.10 Definitions

The following definitions shall apply in the interpretation and the enforcement of this Part:

"Acceptable product list" means a list of foods, acceptable to the regulatory authority, which because of their characteristics will present a barrier to the growth of *Clostridium botulinum*.

"Barrier" means a safety factor of a physical, biological, or chemical nature which inhibits or minimizes the growth of microorganisms including those which may be infectious or toxigenic.

"Beef pattie mix" (or "Beef Patties" if in pattie form) means chopped beef with or without the addition of beef fat as such and/or

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seasonings.

"Certified food service manager or supervisor" means a person certified in compliance with Section 750.540.

"Cold smoke process" is a smoking process used to apply smoke or a smoke flavor at or below ambient temperature to food products not sufficiently darkened in the original smoking operation.

"Commercially prepared sweet baked goods" means an individually portioned and wrapped, non-potentially hazardous yeast or cake type bread, bun, croissant or roll with or without filling and/or icing.

"Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

"Controlled atmosphere packaging (CAP)" means an active packaging system which continuously maintains the desired atmosphere within the package throughout the shelf-life of the product. CAP uses an agent to bind or "scavenge" oxygen permeating the package, or a sachet to emit a gas.

"Cook-chill processing" means a process in which a plastic bag is filled with hot cooked food and the air is expelled while the bag is being sealed before being blast or tumble chilled.

"Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions-of-use environment.

"Critical control point" means any point or procedure in a specific food processing or packaging operation where loss of control may result in an unacceptable health risk.

"Dedicated equipment or personnel" means equipment or personnel reserved solely for the use of one food processing operation to prevent cross-contamination.

"Department" means the Illinois Department of Public Health.

"Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

"Employee" means individuals having supervisory or management duties, and any other person working in a food service establishment.

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"Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a food service establishment.

"Extensively remodeled" means whenever an existing structure is converted for use as a retail food establishment; any structural additions or alterations to existing establishments; changes, modifications and extensions of plumbing systems, excluding routine maintenance.

"Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Food contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back to surfaces normally in contact with food.

"Food processing establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

"Food service establishment" means any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen type operations that prepare foods intended for individual portion service. The term does not include lodging facilities serving only a continental breakfast, (a continental breakfast is one limited to only coffee, tea, and/or juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, retail food stores or the location of food vending machines.

"Full time" means 30 hours per week or the length of time the facility is in operation, whichever is less.

"Game animal" means an animal, the products of which are food, that is not classified as cattle, sheep, or goat in 9 CFR 301 (Mandatory Meat Inspection, Definitions); as poultry in 9 CFR 381 (Mandatory Poultry Products Inspection, Poultry products inspection regulations); or as fish. Game animal includes animals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, bear, and muskrat.

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aquatic and nonaquatic birds such as wild ducks and geese, quail, and pheasant; nonaquatic reptiles such as rattlesnakes; and aquatic mammals. It also includes exotic animals as defined in 9 CFR 1 (Animal Welfare, Definition of Terms), such as lion, tiger, leopard, elephant, camel, antelope, anteater, kangaroo and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal and Yak.

"Ground beef" means chopped or ground beef with or without seasoning and without the addition of beef fat and shall not contain more than 30 percent fat.

"Hamburger" means chopped beef with or without the addition of beef fat and/or seasoning and shall not contain more than 30 percent fat.

"Hazard Analysis Critical Control Point (HACCP) Program" means a comprehensive food safety control plan which includes a step-by-step description of the food processing, packaging and storage procedure including identification of critical control points (CCPs); the food contact surface cleaning and sanitizing procedures; lot identification procedure; and training procedures.

"Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its content after processing.

"Kitchenware" means all multi-use utensils other than tableware.

"Law" includes State and local statutes, ordinances, and regulations.

"Lodging facilities" means any hotel, motel, motor inn, lodge, inn or other quarters which provides temporary sleeping facilities open to the public.

"Lot" means unique run of processed or packaged product with a specifically designated date and processing operation.

"Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.

"Modified Atmosphere Packaging (MAP)" means a one-time gas-flushing and sealing process. The gas atmosphere within the package after sealing is then allowed to passively change due to factors of container permeability and food product respiration.

"Official Methods of Analysis" means the Official Methods of Analysis of the Association of Official Analytical Chemists, 15th Edition, or Standard Methods for Examination of Dairy Products, 15th edition, as incorporated in Section 750.5 (d) and (e).

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"Operational Supervision" means the on-site supervision and management of the food service facility, operations, and employees.

"Packaged" means bottled, canned, cartoned, or securely wrapped.

"Partially defatted beef fatty tissue" means a beef by-product derived from the low temperature rendering (not exceeding 120 degrees Fahrenheit) of fresh beef tissue. Such product shall have a pinkish color and a fresh odor and appearance.

"Person" includes any individual, partnership, corporation, association, or other legal entity.

"Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods which have a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less.

"Preservative" means any curing agent or curing accelerator (specific chemical agent which extends the shelf life of the product) which cures, accelerates color fixing or preserves color in meat or poultry products including sodium or potassium nitrate, sodium or potassium nitrite, ascorbic acid, erythorbic acid, glucono delta lactone, sodium ascorbate, sodium erythorbate, citric acid, sodium citrate or sodium benzoate.

"Processing" means to manufacture, compound, intermix or prepare food products for sale or for customer service.

"Pushcart" means a non-self-propelled vehicle limited to serving nonpotentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

"Reconstituted" means dehydrated food products recombined with water or other liquids.

"Regulatory authority" means the State and/or local enforcement authority or authorities having jurisdiction over the food service

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establishment.

"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act, (21 U.S.C. 301 et seq.), they are "safe" only if they are used in conformity with regulations established pursuant to Section 409 or Section 706 of the Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act and are used in conformity with all applicable regulations of the Food and Drug Administration.

"Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level (when those disease organisms which may be present are destroyed so as to prevent transfer) on cleaned food-contact surfaces of utensils and equipment.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Showering" means a potable water spray with or without liquid smoke in the smoke house which, depending on when the water spray is applied, maintains humidity, flavors, decreases cooking time, promotes rapid cooling or reduces casing shrinkage.

"Single service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.

"Smoke generator" means a piece of equipment attached or integral to a smoke house which provides smoke to the smoke house, usually by slowly augering sawdust onto a heating element with the resulting smoke being drawn into the smokehouse.

"Smoke house" means a piece of equipment or room sized enclosure used to conduct the smoking process with a smoke source, adequate ventilation, heat and humidity source if necessary, approved plumbing and waste lines if necessary, support structures for the food products to be smoked and a method to determine internal product temperature.

"Smoking" means the process of subjecting meat cuts and other foods to an environment of heat and smoke generated from hardwood, hardwood

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sawdust, corn cobs or natural liquid smoke that has been transformed into a gaseous state by application of direct heat.

"Tableware" means multi-use eating and drinking utensils.

"Temporary food service establishment" means food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

"Utensil" means any implement used in the storage, preparation, transportation, or service of food.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART B: FOOD SUPPLIES

Section 750.110 Special Requirements

- a) Fluid milk and fluid-milk products used or served shall be pasteurized and shall meet the Grade A quality standards as established by law. Dry milk and dry-milk products shall be pasteurized.
- b) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker/packer, or repacker, and the interstate certification number issued according to the law. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by the attached tag that states the name and address of the original shell stock processor, repacker or reshipper, the kind and quantity of shell stock, and an interstate certification number issued by the state or foreign shellfish control agency. Each tag affixed to a container of certified shell stock along with its accompanying invoice and each shucked shellfish invoice shall be retained for a period of 90 days and be made available for inspection by the health department.
- c) Only clean whole Grade A eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products shall be used, except that hard boiled peeled eggs, commercially prepared and packaged may be used.
- d) ~~All meat-of-mammalian-and-avian-origin-shall-be-inspected-and-approved as-human-food-by-the-Illinois-Department-of-Agriculture-or-the-United States-Department-of-Agriculture--and--bear--the--stamp--or--mark--as required-by-the-mentioned-departments.~~
- d) ~~Game animals received for sale or service must comply with the criteria specified below.~~

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- 1) Game animals commercially farm-raised for food shall be raised, slaughtered, and processed under either a routine or voluntary inspection program, as provided below.
- A) For a routine (mandatory) inspection program conducted by the United States Department of Agriculture or Illinois Department of Agriculture, the game animals shall be raised, slaughtered and processed according to applicable laws governing meat and poultry.
- B) Any voluntary inspection program shall be conducted by the agency that has animal health jurisdiction (the United States Department of Agriculture, Illinois Department of Agriculture or other regulatory agency).
- 2) Field dressed wild game animals donated under the Good Samaritan Food Donor Act [745 ILCS 50] shall:
- A) Receive a postmortem inspection by a veterinarian or a veterinarian's designee, approved by the regulatory authority;
- B) Have been field-dressed and transported according to requirements specified by the agency that conducts the inspection program; and
- C) Be processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.
- 3) Exotic species of animals, including animals raised for exhibition purposes in a zoo or circus, used for food shall:
- A) Be raised, slaughtered and processed under a voluntary inspection program; or
- B) i) Receive antemortem and postmortem examination; and
ii) Be slaughtered and processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.
- e) Uninspected, field dressed, wild game served at special events such as wild game dinners shall:
- 1) Have placards displayed in a conspicuous location throughout the event identifying the food served as uninspected wild game as provided for in the Good Samaritan Food Donor Act [745 ILCS 50].
- 2) Comply with all other food sanitation requirements specified in this Part.
- f) Each retail food establishment location shall obtain written permission from the appropriate regulatory authority responsible for retail food protection in that jurisdiction before packaging foods in a reduced oxygen atmosphere. Reduced oxygen packaging shall consist of cook-chill processing, vacuum-packaging, modified atmosphere packaging (MAP) or controlled atmosphere packaging (CAP). The request from the retail establishment and approval from the regulator shall be product specific and shall be issued according to the requirements listed in Subpart K of this Part.

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- g) Every food pre-packaged in advance of retail sale must bear the following information in English on its label:
- 1) The common and/or usual name of the product;
 - 2) The name, address and zip code of the manufacturer, processor, packer, preparer or distributor;
 - 3) The net contents of the package;
 - 4) A list of ingredients in the order of their predominance by weight with ingredients shown by their common or usual name; and
 - 5) A list of any artificial color, artificial flavor or preservative used.
- h) Foods packaged or repackaged by charitable or not-for-profit organizations for distribution to people in need shall bear the common and/or usual name of the product and the name of the distributing organization. A list of ingredients for any multi-ingredient product shall be posted or made available upon request. Prepared, ready-to-eat foods donated by food service establishments to charitable or not-for-profit organizations are exempt from the ingredient listing and requirements of this subsection.
- i) The processing and labeling of ground meats/poultry and other meat/poultry products shall be done in compliance with Subpart L of this Part.
- j) Pasteurized soft serve mix and frozen desserts shall comply with the Standards listed below.
- | Product | Bacterial standard
plate count not
more than | Coliform
determination
not more than | Storage
temperature |
|----------------------------|--|--|------------------------|
| Mix | 50,000/ml* | 10/ml | 45 degrees F |
| Frozen Dessert
Plain | 50,000/ml* | 10/ml | Frozen |
| Frozen Dessert
Flavored | 50,000/ml* | 20/ml | Frozen |
- The products shall be tested in accordance with tests and examinations contained in the 15th edition of Official Methods of Analysis of the Association of Official Analytical Chemists or in the 15th edition of Standard Methods for the Examination of Dairy Products.
- *Except frozen yogurt with live culture added.
- (Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART L: Meat/Poultry Processing and Labeling

Section 750.3100 Meat and Poultry Labeling

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Every package of meat or poultry or meat or poultry product shall comply with all labeling requirements of Section 750.110(f) of this Part.

- a) All ground beef is to be labeled "Ground Beef", "Chopped Beef" or "Hamburger." When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped beef, ground beef or hamburger, the amount of such cheek meat shall be limited to 25 percent and its presence shall be declared on the label, either contiguous to the name of the product or in the ingredient statement.
- b) It is not necessary to indicate the lean-to-fat content. However, if it is shown, the label must indicate "Not Less than % Lean," or "Not More Than % Fat." An example would be:

GROUND BEEF
Not Less Than 75% Lean
or
Not More Than 25% Fat

- c) An added descriptive name may be used where the ground beef is prepared from a specific beef cut such as the chuck, round, sirloin, etc. An example would be:

GROUND BEEF CHUCK
or
GROUND BEEF CHUCK
Not Less Than 75% Lean

- d) The label of a prepackaged product which conforms to the definition of "Beef Pattie Mix", as prescribed in Section 750.10, shall declare, in addition to the name of the product, the percentage by weight of beef contained in the product, and the common or usual name of each ingredient in decreasing order of its predominance. Binders or extenders and/or partially defatted beef fatty tissue may be used without added water or with added water only in amounts such that the product characteristics are essentially that of a meat pattie. If displayed in bulk, a placard must be exhibited to identify the product in accordance with this rule. A sample label or placard would be:

BEEF PATTIE MIX
70% Beef
Ingredients: Beef, water
non-meat protein extenders

- e) "Seasoning" permitted in ground or chopped beef or hamburger or poultry may include salt, natural sweeteners, spices, flavoring, including essential oils, oleoresins and other spice extractives, monosodium glutamate, hydrolyzed vegetable protein and similar flavorings when used in condimental proportions. Seasoning does not include ~~preservatives~~ coloring, sulfites or color enhancers.

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- f) The requirements which apply to ground beef shall also apply to veal, lamb, pork or poultry if offered in the chopped or ground form. If these ground meats are merchandised as a combination package, each component must be indicated on the label. A sample label for beef, lamb, pork and poultry would be:

Ground Beef Beef
Ground Lamb Lamb
Ground Pork Pork
Ground Turkey Turkey
Ground Veal Veal

- g) Fanciful or characterizing names of ground meats or poultry are permitted, but only if they do not obscure or replace the approved name. The fanciful or characterizing name may be placed on the regular price-weight label or on a separate label but the approved identification must appear conspicuously and unobscured.
- h) No grade designation may be used for ground meat or poultry. After trimming and grinding, meat loses its grade identification and therefore does not have a grade in the ground form.
- i) "Previously Frozen" must be labeled on the package, container or wrapping, in type of uniform size and prominence so as to be readable and understood by the general public if a meat or meat food product or poultry or poultry food product has been frozen prior to sale.
- j) Meat, poultry, game birds or game animals smoked or processed as a service to the customer shall be marked with the customer's name and labeled "not for sale."

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 750.3300 Curing of Meat and Poultry

- a) No food service establishment shall cure meat and/or poultry on the premises of the food service establishment without written approval from the Department or its designee.
- b) Any food service establishment desiring to conduct curing operations on the premises shall submit a written application to the appropriate local health department for review. The application shall include all information required in this Section and shall be product specific. The local health department will perform a preliminary review of the application. The local health department shall forward the application and its recommendation regarding the application, along with any comments, to the Department for final approval. The Department may, upon request of a local health department, enter into an agreement with the local health department to allow the local health department to grant final approval for meat and poultry curing operations within its jurisdiction. Prior to commencing curing

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operations, the local health department shall perform an on-site inspection of the food service establishment to ensure that the curing operations conform to the approved HACCP plan.

c) A list of acceptable products approved for curing within the food service establishment must be available in the processing area of the establishment.

d) Employees assigned to cure meat or poultry must complete a training course and demonstrate familiarity with this Section and the potential hazards associated with the curing of foods. A description of the training course content provided to the employees must be available for review by the local health department.

e) An approved HACCP plan is required for all curing operations. The following criteria must be met for the curing of meat and poultry in the establishment. All critical control points must be addressed including purchase of prepared cure mixes; use of calibrated and certified weighing devices if cure mixes are blended on the premises instead of pre-mixed blends; storage of cure ingredients in a dry, protected location; and discarding of any packet if it becomes wet. Raw material handling must be considered when thawing to prevent temperature abuse. Improperly thawed meat can cause insufficient cure penetration. Temperature abuse can cause spoilage or growth of pathogens. Curing may not be used to salvage meat that has excessive bacterial growth or spoilage.

g) Formulation, Preparation and Curing:

- 1) A formulation and preparation procedure must be documented;
- 2) All equipment and utensils must be cleaned and sanitized;
- 3) Pieces of meat or poultry must be prepared to uniform size to assure uniform cure penetration (this is extremely critical for dry and immersion curing);
- 4) Calibrated and certified scales must be used to weigh ingredients;
- 5) A schedule or recipe must be established for determining the exact amount of curing formulation to be used for a specified weight of meat or meat mixture;
- 6) Methods and procedures must be strictly controlled to ensure uniform cure;
- 7) Mixing of curing formulation with comminuted ingredients must be controlled and monitored (See 9 CFR 318 and 381);
- 8) All surfaces of meat or poultry must be rotated and rubbed at intervals of sufficient frequency to assure cure penetration when a dry curing method is used;
- 9) Immersion curing requires periodic mixing of the batch to facilitate uniform curing;
- 10) The application of salt during dry curing of muscle cuts requires that the temperature of the product be strictly controlled between 35° F and 41° F. The lower temperature is set for the purpose of limiting cure penetration and the upper temperature is set to minimize bacterial growth (See 9 CFR 318.10(c)(3)(iv)).

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- 11) Curing solutions must be discarded daily unless they remain with the same batch of product during its entire curing process;
- 12) Injection needles must be inspected for plugging when stitching or artery pumping of muscle cuts is performed;
- 13) Sanitary casings must be provided for sausage, chub or loaf forming; and
- 14) Casings may not be stripped for reuse in forming additional chubs or sausages from batch to batch.

b) Cooking and smoking shall be done according to Section 750.180, Cooking Potentially Hazardous Foods, or Section 750.3200, Smoked Meat, Poultry or Other Food Products (See also 9 CFR 318.17 and 318.23).

i) Cooling:

- 1) Cooling shall be done according to Section 760.150(c)(1)(A) and (B), with written cooling procedures established;
- 2) Chill water used in water sprays or immersion chilling which is in direct contact with products in casings or products cooked in an impervious package must be properly chlorinated;
- 3) Chill water temperature must be monitored and controlled;
- 4) Chill water may not be reused until properly chlorinated. Recirculated chill water must be discarded daily;
- 5) Product must be placed in a manner that allows chilled water or air to uniformly contact the product for assurance of uniform cooling;
- 6) Internal temperatures must be monitored during cooling by using calibrated temperature measuring devices;
- 7) Adequate cooling medium circulation must be maintained and monitored;
- 8) Temperatures of the cooling medium must be monitored and recorded in accordance with a written procedure;
- 9) Direct hand contact with product during cooling, peeling of casing and packaging is prohibited.

j) Fermentation and Drying:

- 1) Fermentation and drying must be done in conjunction with a cooking or smoking step in accordance with subsection (g) of this Section and 9 CFR 318.10(c)(3);
- 2) Temperature and time must be controlled during fermentation or drying and record logs that record the monitoring of this process must be maintained;
- 3) Humidity must be controlled during fermentation or drying by use of a humidistat. Monitoring of the process must be recorded in a written log;
- 4) The product must be kept separated during fermentation and drying to allow adequate air circulation during the process;
- 5) The use of an active and pure culture must be assured to effect a rapid pH drop of the product. Use of commercially produced culture is necessary and the culture must be used according to the manufacturer's instructions;
- 6) Fermentation and drying of fermented sausages at the end of the

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- fermentation cycle must be recorded;
- 7) Dry (unfermented) products may not be hot smoked until the curing and drying procedures are completed; and
- 8) Semi-dry fermented sausage must be heated after fermentation to a time/temperature sufficient to meet requirements in Section 750.180 (Cooking Potentially Hazardous Foods).
- k) All aspects of curing operations must be conducted in an area specifically designated for this purpose. There must be an effective separation to prevent cross contamination between raw and cooked foods or cured and uncured foods. Access to processing equipment shall be restricted to responsible trained personnel who are familiar with the potential hazards inherent in curing foods.
- l) Any records required in this Section must be retained by the food service establishment for at least 6 months.

(Source: Added at 19 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Retail Food Store Sanitation Code
- 2) Code Citation: 77 Ill. Adm. Code 760
- 3) Section Number: Proposed Action:
- | | |
|----------|-------------|
| 760.15 | Amendment |
| 760.20 | Amendment |
| 760.110 | Amendment |
| 760.3100 | Amendment |
| 760.3300 | New Section |
- 4) Statutory Authority:
- Illinois Food, Drug and Cosmetic Act [410 ILCS 520]
 Sanitary Food Preparation Act [410 ILCS 650]
 Good Samaritan Food Donor Act [745 ILCS 50]

- 5) A Complete Description of the Subjects and Issues Involved: Ever since the Good Samaritan Food Donor Act was amended, effective January 1, 1993, to provide immunity from liability for donors of wild game, the Department has received numerous requests for clarification in the Retail Food Store Sanitation Code of the use of uninspected wild game. This proposed rulemaking will clarify the discrepancy between Section 760.110(f), which requires all meat of mammalian and avian origin to be inspected, and Section 3(a-5) of the Good Samaritan Food Donor Act, which allows uninspected wild game to be served at special events such as wild game dinners, provided a placard is present stating that the game is uninspected. The rulemaking will also add the definition of "game animal", as the term is used but not defined.

Another issue that is addressed in this rulemaking, on which the Department has received requests from retail stores and outlets, is for the criteria for curing of meat and poultry from the FDA's 1993 Food Code to be incorporated into Illinois' rules. Section 760.3100(e) currently prohibits the use of preservatives as an allowable seasoning in retail food stores. The proposed amendments would require retail food stores that want to begin using preservatives in curing operations to obtain prior approval from the local health department in their jurisdiction, with final approval from the Department. The curing operations must be based on a comprehensive Hazard Analysis Critical Control Point (HACCP) plan, as outlined in the proposed amendments.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain any Incorporations by Reference? Yes

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- 9) Are there any Other Proposed Amendments Pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
760.110	Amendment	19 Ill. Reg. 551 1/20/95
760.120	Amendment	19 Ill. Reg. 551 1/20/95
760.150	Amendment	19 Ill. Reg. 551 1/20/95
760.170	Amendment	19 Ill. Reg. 551 1/20/95
760.190	Amendment	19 Ill. Reg. 551 1/20/95
760.195	New Section	19 Ill. Reg. 551 1/20/95
760.196	New Section	19 Ill. Reg. 551 1/20/95
760.197	New Section	19 Ill. Reg. 551 1/20/95
760.199	New Section	19 Ill. Reg. 551 1/20/95
760.230	Amendment	19 Ill. Reg. 551 1/20/95
760.240	Amendment	19 Ill. Reg. 551 1/20/95

- 10) Statement of Statewide Policy Objectives: This could create a State mandate on units of local government, i.e., local health departments.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing to:

Gail M. DeVito
Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217)782-6187

within 45 days after this issue of the *Illinois Register*.

These rules may have an impact on small businesses. In accordance with the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

a) Type of Small Businesses, Small Municipalities, and Not-For-Profit Corporations Affected: Small retail food establishments.

b) Reporting, Bookkeeping or Other Procedures Required for Compliance: Submission of a HACCP plan with the results of a laboratory test before use of preservatives can be approved.

c) Types of Personnel Whose Training is Necessary for Compliance: Training in

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the use of preservatives and the proposed new Section of the rules that relates to the use of preservatives.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included in either of the 2 most recent regulatory agendas because: Changes to the Retail Food Store Sanitation Code were not requested in time for inclusion on the July Agenda.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 760
 RETAIL FOOD STORE SANITATION CODE

SUBPART A: GENERAL PROVISIONS

Section
 760.10
 760.15
 760.20
 760.30

Purpose
 Incorporated Materials
 Definitions
 Inspections and Inspection Report

SUBPART B: FOOD

Section
 760.100
 760.110
 760.120
 760.130
 760.140
 760.150
 760.160

General - Food Supplies
 Special Requirements for Food Supplies
 General - Food Protection
 Emergency Occurrences
 General - Food Storage
 Refrigerated/Frozen Storage
 Hot Storage
 Damaged Food Containers

Section
 760.170
 760.180
 760.190
 760.200
 760.210
 760.220
 760.230
 760.240
 760.250
 760.260
 760.270
 760.280
 760.290

General - Food Preparation
 Preparing Raw Fruits and Raw Vegetables
 Cooking Potentially Hazardous Foods
 Bakery Product Fillings
 Reheating
 Food Product Thermometers
 Thawing Potentially Hazardous Foods
 Displaying Potentially Hazardous Foods
 Displaying Frozen Foods
 Food Display
 Dispensing Utensils
 Food Sample Demonstrations and Food Promotions
 General - Food Transportation by the Retail Food Store

SUBPART C: PERSONNEL

Section
 760.400
 760.410
 760.420
 760.430

General - Employee Health
 General - Personal Cleanliness
 General - Clothing
 General - Employee Practices

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SUBPART D: EQUIPMENT AND UTENSILS

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General - Materials
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 Plastics and Rubber Materials
 Cutting Surfaces
 Single-Service Articles
 General - Design and Fabrication
 Accessibility
 Cleaned in Place (CIP)
 Food Product Thermometers
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 Ventilation Hoods
 Maintenance of Equipment and Utensils
 General - Equipment Installation and Location
 Table-Mounted Equipment
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 Aisles and Working Spaces

SUBPART E: CLEANING, SANITIZATION,
AND STORAGE OF EQUIPMENT AND UTENSILS

Section
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 760.740
 760.750
 760.760
 760.770
 760.780
 760.790

Cleaning Frequency
 Wiping Cloths
 Manual Cleaning and Sanitizing
 Mechanical Cleaning and Sanitizing
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 Retail Food Stores Without Equipment and Utensil Cleaning Facilities
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APPENDIX A Retail Food Sanitary Inspection Report

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AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act (410 ILCS 620) and the Sanitary Food Preparation Act (410 ILCS 650) and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act (410 ILCS 620/21) and Section 11.1 of the Sanitary Food Preparation Act (410 ILCS 650/11.1).

SOURCE: Adopted September 16, 1968; old rules repealed and new rules adopted and codified at 7 Ill. Reg. 1382, effective January 25, 1983; amended at 7 Ill. Reg. 8532, effective July 8, 1983; amended at 11 Ill. Reg. 2440, effective February 1, 1987; amended at 11 Ill. Reg. 18743, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14391, effective September 2, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 17935, effective December 1, 1988; amended at 13 Ill. Reg. 1830, effective January 30, 1989; amended at 13 Ill. Reg. 18621, effective December 1, 1989; amended at 16 Ill. Reg. 16050, effective October 1, 1992; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 760.15 Incorporated Materials

The following materials are incorporated or referenced in this Part:

- a) Salvage Warehouses and Stores for Foods, Alcoholic Liquors, Drugs, Medical Devices and Cosmetics (77 Ill. Adm. Code 725).
- b) The Illinois Plumbing Code (77 Ill. Adm. Code 890).
- c) Drinking Water Systems Code (77 Ill. Adm. Code 900).
- d) Official Methods of Analysis of the Association of Official Analytical Chemists, 15th Edition, published by the Association of Official Analytical Chemists (1990), 111 North Nineteenth Street, Suite 210, Arlington, Virginia 22209.
- e) Standard Methods for the Examination of Dairy Products, 15th Edition, published by the American Public Health Association (1989), 1015 Fifteenth Street, N.W., Washington, D.C. 20036.
- f) Code of Federal Regulations, published by the Office of the Federal Register, National Archives and Records Administration (1995), U.S. Government Printing Office, Superintendent of Documents, Mail Stop: S50P, Washington, D.C. 20402-9328
- 1) 9 CFR 1 (Animals and Animal Products; Animal Welfare, Definition of Terms);
- 2) 9 CFR 301 (Animals and Animal Products; Mandatory Meat Inspection, Definitions);
- 3) 9 CFR 318 (Animals and Animal Products; Mandatory Meat Inspection, Entry into official establishments; reinspection and preparation of products); and
- 4) 9 CFR 381 (Animals and Animal Products; Mandatory Poultry Products Inspection, Poultry products inspection regulations).

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

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Section 760.20 Definitions

For the purpose of this Part:

"Acceptable product list" means a list of foods, acceptable to the regulatory authority, which because of their characteristics will present a barrier to the growth of Clostridium botulinum.

"Barrier" means a safety factor of a physical, biological, or chemical nature which inhibits or minimizes the growth of microorganisms including those which may be infectious or toxigenic.

"Beef pattie mix" (or "Beef Patties" if in pattie form) means chopped beef with or without the addition of beef fat as such and/or seasonings.

"Bulk food" means processed or unprocessed food in aggregate containers from which quantities desired by the consumer are withdrawn.

"Cold smoke process" is a smoking process used to apply smoke or a smoke flavor at or below ambient temperature to food products not sufficiently darkened in the original smoking operation.

"Controlled atmosphere packaging (CAP)" means an active packaging system which continuously maintains the desired atmosphere within the package throughout the shelf-life of the product. CAP uses an agent to bind or "scavenge" oxygen permeating the package, or a sachet to emit a gas.

"Cook-chill processing" means a process in which a plastic bag is filled with hot cooked food and the air is expelled while the bag is being sealed before being blast or tumble chilled.

"Corrosion-resistant materials" means those materials that maintain acceptable sanitary surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.

"Critical control point" means any point or procedure in a specific food processing or packaging operation where loss of control may result in an unacceptable health risk.

"Department" means the Illinois Department of Public Health.

"Dedicated equipment or personnel" means equipment or personnel reserved solely for the use of one food processing operation to prevent cross-contamination.

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"Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue can be effectively removed by normal cleaning methods.

"Employee" means the permit holder, individual having supervisory or management duties, person on the payroll, family member, volunteer, person performing work under contractual agreement, or any other person working in a food store.

"Equipment" means items other than utensils used in the storage, preparation, display, and transportation of food, such as stoves, ovens, hoods, slicers, grinders, mixers, scales, meat blocks, tables, food shelving, reach-in refrigerators and freezers, sinks, ice makers, and similar items used in the operation of a retail food store. This item does not include fork lift trucks or dollies.

"Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Food-contact surfaces" means those surfaces of equipment and utensils with which food normally comes into contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

"Food service establishment" means any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes delicatessens that offer prepared food in individual service portions. The term does not include lodging facilities serving only a continental breakfast, (a continental breakfast is one limited to only coffee, tea, and/or juice and commercially prepared sweet baked goods), private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, and supply vehicles.

"Game animal" means an animal, the products of which are food, that is not classified as cattle, sheep, or goat in 9 CFR 301 (Mandatory Meat Inspection, Definitions); as poultry in 9 CFR 381 (Mandatory Poultry Products Inspection, Poultry products inspection regulations); or as fish. Game animal includes animals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, bear, and muskrat; aquatic and nonaquatic birds such as wild ducks and geese, quail, and pheasant; nonaquatic reptiles such as rattlesnakes; and aquatic mammals. It also includes exotic animals as defined in 9 CFR 1.101(a)(2)(ii), (b)(1)(ii) (in of Terms), such as lion, tiger, leopard,

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elephant, camel, antelope, ant eater, kangaroo and water buffalo, and species of foreign domestic cattle, such as Ankole, Gaval and Yak.

"Ground beef" means chopped or ground beef with or without seasoning and without the addition of beef fat and shall not contain more than 30 percent fat.

"Hamburger" means chopped beef with or without the addition of beef fat and/or seasoning and shall not contain more than 30 percent fat.

"Hazard Analysis Critical Control Point (HACCP) Program" means a comprehensive food safety control plan which includes a step-by-step description of the food processing, packaging and storage procedures including identification of critical control points (CCPs); the food contact surface cleaning and sanitizing procedures; lot identification procedures and training procedures.

"Hermetically sealed container" means a container which is designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.

"Law" includes applicable Federal, State, and local statutes, ordinances, and regulations.

"Lot" means a unique run of processed or packaged product with a specifically designated date and processing operation.

"Modified Atmosphere Packaging (MAP)" means a one-time gas-flushing and sealing process. The gas atmosphere within the package after sealing is then allowed to passively change due to factors of container permeability and food product respiration.

"Official Methods of Analysis" means the Official Methods of Analysis of the Association of Official Analytical Chemists, 15th Edition, or Standard Methods for Examination of Dairy Products, 15th Edition, as incorporated in Section 760.15(d) and (e).

"Packaged" means bottled, canned, cartoned, bagged, or securely wrapped.

"Partially defatted beef fatty tissue" means a beef by-product derived from the low temperature rendering (not exceeding 120 degrees Fahrenheit) of fresh beef tissue. Such product shall have a pinkish color and a fresh odor and appearance.

"Person" includes any individual, partnership, corporation, association, or other legal entity.

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"Person in charge" means the individual present in a retail food store who is the supervisor of the retail food store at the time of inspection.

"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods that have a pH level of 4.6 or below or a water activity (a(w)) value of 0.85 or less under standard conditions; food products in hermetically sealed containers processed to prevent spoilage.

"Preservative" means any curing agent or curing accelerator (specific chemical agent which extends the shelf life of the product) which cures, accelerates color fixing or preserves color in meat or poultry products including but not limited to sodium or potassium nitrate, sodium or potassium nitrite, ascorbic acid, erythorbic acid, glucono delta lactone, sodium ascorbate, sodium erythorbate, citric acid, sodium citrate or sodium benzoate.

"Processing" means to manufacture, compound, intermix or prepare food products for sale or for customer service.

"Regulatory authority" means the State and/or local enforcement authority or authorities having responsibility for enforcing this Part.

"Retail food store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for, though not limited to, off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged spirits; roadside markets that offer only fresh fruits and fresh vegetables for sale; food service establishments; or food and beverage vending machines.

"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food.

"Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level (when those disease organisms which may be present are destroyed so as to prevent transfer) on cleaned food-contact surfaces

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of utensils and equipment,

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Showering" means a potable water spray with or without liquid smoke in the smoke house which, depending on when the water spray is applied, maintains humidity, flavors, decreases cooking time, promotes rapid cooling or reduces casing shrinkage.

"Single-service articles" means items used by the retailer or consumer such as cups, containers, lids, and packaging materials, including bags and similar articles, intended for contact with food, and designed for one-time use. The term does not include "single use" articles such as number 10 cans, aluminum pie pans, bread wrappers and similar articles into which food has been packaged by the manufacturer.

"Smoke generator" means a piece of equipment attached or integral to a smoke house which provides smoke to the smoke house, usually by slowly auguring sawdust onto a heating element with the resulting smoke being drawn into the smokehouse.

"Smoke house" means a piece of equipment or room sized enclosure used to conduct the smoking process with a smoke source, adequate ventilation, heat and humidity source if necessary, approved plumbing and waste lines if necessary, support structures for the food products to be smoked and a method to determine internal product temperature.

"Smoking" means the process of subjecting meat cuts and other foods to an environment of heat and smoke generated from hardwood, hardwood sawdust, corn cobs or natural liquid smoke that has been transformed into a gaseous state by application of direct heat.

"Temporary Retail Food Store" means a retail store that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration. The term does not include establishments that handle only fresh fruits and fresh vegetables, or temporary food service establishments.

"Transportation" (transported) means movement of food within the retail food store or delivery of food from that retail food store to another place while under the control of the person in charge.

"Utensil" means any food-contact implement used in the storage, preparation, transportation, or dispensing of food.

"Warewashing" means the cleaning and sanitizing of food-contact

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surfaces of equipment and utensils.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 760.110 Special Requirements for Food Supplies

- a) Fluid milk and fluid milk products used or offered for sale shall comply with the Grade 'A' standards as established by law. Dry milk and milk products used or offered for sale shall be made from pasteurized milk and milk products.
- b) Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be received and/or repacked in non-returnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the State certification number issued according to law. Shucked shellfish shall be kept in the container in which they were received until used or sold.
- c) Each original container of unshucked shellfish (oysters, clams, or mussels) shall be identified by an attached tag, to be retained for a period of 90 days, that states the name and address of the original shellfish processor, the kind and quantity of shellfish, and the certification number issued by the State or foreign shellfish control agency, where applicable. Each shucked shellfish invoice shall be retained for a period of 90 days and be made available for inspection by the health department.
- d) Only clean shell Grade A eggs meeting applicable grade standards or pasteurized liquid, frozen or dry eggs, or pasteurized dry egg products shall be used or offered for sale.
- e) Only ice which has been manufactured from potable water and handled in a sanitary manner shall be used or offered for sale. Ice offered for sale shall be packaged.
- f) Game animals received for sale of service must comply with the criteria specified below.
 - 1) Game animals commercially farm-raised for food shall be raised, slaughtered, and processed under either a routine or voluntary inspection program, as provided below.
 - A) For a routine (mandatory) inspection program conducted by the United States Department of Agriculture or Illinois Department of Agriculture, the game animals shall be raised, slaughtered and processed according to applicable laws governing meat and poultry.
 - B) Any voluntary inspection program shall be conducted by the agency that has animal health jurisdiction (the United States Department of Agriculture, Illinois Department of Agriculture or other regulatory agency).
 - 2) Field dressed wild game animals donated under the Good Samaritan Food Donor Act [745 ILCS 50] shall:
 - a) Receive a postmortem inspection by a veterinarian or a

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- veterinarian's designee, approved by the regulatory authority:
- B) Have been field-dressed and transported according to requirements specified by the agency that conducts the inspection program; and
 - C) Be processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.
- 3) Exotic species of animals, including animals raised for exhibition purposes in a zoo or circus, used for food shall:
- A) Be raised, slaughtered and processed under a voluntary inspection program; or
 - B) i) Receive antemortem and postmortem examination; and
ii) Be slaughtered and processed according to laws governing meat and poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.

f) ~~All meat of mammalian and avian origin shall be inspected and approved as human food by the Illinois Department of Agriculture or the United States Department of Agriculture and bear the stamp or mark as required by the aforementioned departments.~~

g) ~~Uninspected, field dressed, wild game served at special events such as wild game dinners shall:~~

- 1) Have placards displayed in a conspicuous location throughout the event identifying the food served as uninspected wild game as provided for in the Good Samaritan Food Donor Act [745 ILCS 50].
- 2) Comply with all other food sanitation requirements specified in this Part.

h) ~~Each retail food establishment location shall obtain written permission from the appropriate regulatory authority responsible for retail food protection in that jurisdiction before packaging foods in a reduced oxygen atmosphere. Reduced oxygen packaging shall consist of cook-chill processing, vacuum-packaging, modified atmosphere packaging (MAP) or controlled atmosphere packaging (CAP). The request from the retail establishment and approval from the regulator shall be product specific and shall be issued according to the requirements listed in Subpart K of this Part.~~

i) ~~Every food pre-packaged in advance of retail sale must bear the following information in English on its label (Bulk foods require the same information to be provided on placards, bin labels or counter cards, excluding net contents.):~~

- 1) The common and/or usual name of the product;
- 2) The name, address and zip code of the manufacturer, processor, packer, preparer or distributor;
- 3) The net contents of the package;
- 4) A list of ingredients in the order of their predominance by weight with ingredients shown by their common or usual name; and
- 5) A list of any artificial color, artificial flavor or preservative

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used.

j)†† Foods packaged or repackaged by charitable or not-for-profit organizations for distribution to people in need shall bear the common and/or usual name of the product and the name of the distributing organization. A list of ingredients for any multi-ingredient product shall be posted or made available upon request. Prepared, ready-to-eat foods donated by food service establishments to charitable or not-for-profit organizations are exempt from the ingredient listing requirements of this subsection.

k)†† The processing and labeling of ground meats/poultry and other meat/poultry products shall be done in compliance with Subpart K of this Part.

l)†† Pasteurized soft serve mix and frozen desserts shall comply with the Standards listed below.

Product	Bacterial standard plate count not more than	Coliform determination not more than	Storage temperature
Mix	50,000/ml*	10/ml	45 degrees F
Frozen Dessert Plain	50,000/ml*	10/ml	Frozen
Frozen Dessert Flavored	50,000/ml*	20/ml	Frozen

The products shall be tested in accordance with tests and examinations contained in the 15th edition of Official Methods of Analysis of the Association of Official Analytical Chemists or in the 15th edition of Standard Methods for the Examination of Dairy Products.

*Except frozen yogurt with live culture added.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

SUBPART K: MEAT/POULTRY PROCESSING AND LABELING

Section 760.3100 Meat and Poultry Labeling

Every package of meat or poultry or meat or poultry product shall comply with all labeling requirements of Section 760.110 (h) of this Part.

a) All ground beef is to be labeled "Ground Beef", "Chopped Beef" or "Hamburger." When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped beef, ground beef, or hamburger, the amount of such cheek meat shall be limited to 25 percent and its presence shall be declared on the label, either contiguous to the name of the

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product or in the ingredient statement.

b) It is not necessary to indicate the lean-to-fat content. However, if it is shown, the label must indicate "Not Less than % Lean," or "Not More Than % Fat." An example would be:

GROUND BEEF
Not Less Than 75% Lean
or
Not More Than 25% Fat

c) An added descriptive name may be used where the ground beef is prepared from a specific beef cut such as the chuck, round, sirloin, etc. An example would be:

GROUND BEEF CHUCK
or
GROUND BEEF CHUCK
Not Less Than 75% Lean

d) The label of a prepackaged product which conforms to the definition of "Beef Pattie Mix" as prescribed in Section 760.20, shall declare, in addition to the name of the product, the percentage by weight of beef contained in the product, and the common or usual name of each ingredient in decreasing order of its predominance. Binders or extenders and/or partially defatted beef fatty tissue may be used without added water, or with added water only in amounts such that the product characteristics are essentially that of a meat patty. If displayed in bulk, a placard must be exhibited to identify the product in accordance with this rule. A sample label or placard would be:

BEEF PATTIE MIX
70% Beef

Ingredients: Beef, water
non-meat protein extenders

e) "Seasoning: permitted in ground or chopped beef or hamburger or poultry may include salt, natural sweeteners, spices, flavoring, including essential oils, oleoresins and other spice extractives, monosodium glutamate, hydrolyzed vegetable protein and similar flavorings when used in condimental proportions. Seasoning does not include **preservatives**, coloring, sulfites or color enhancers.

f) The requirements which apply to ground beef shall also apply to veal, lamb, pork or poultry if offered in the chopped or ground form. If these ground meats are merchandised as a combination package, each component must be indicated on the label. A sample label for beef, lamb, pork and poultry would be:

Ground Beef Beef

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Ground Lamb
Ground Pork
Ground Turkey
Ground Veal

Lamb
Pork
Turkey
Veal

- g) Fanciful or characterizing names of ground meats or poultry are permitted, but only if they do not obscure or replace the approved name. The fanciful or characterizing name may be placed on the regular price-weight label or on a separate label but the approved identification must appear conspicuously and unobscured.
- h) No grade designation may be used for ground meat or poultry. After trimming and grinding, meat loses its grade identification and therefore does not have a grade in the ground form.
- i) "Previously Frozen" must be labeled on the package, container or wrapping, in type of uniform size and prominence so as to be readable and understood by the general public if a meat or meat food product or poultry or poultry food product has been frozen prior to sale.
- j) Meat, poultry, game birds or game animals smoked or processed as a service to the customer shall be marked with the customer's name and labeled "not for sale."

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 760.3300 Curing of Meat and Poultry

- a) No retail food store shall cure meat and/or poultry on the premises of the retail food store without written approval from the Department or its designee.
- b) Any retail food store desiring to conduct curing operations on the premises shall submit a written application to the appropriate local health department for review. The application shall include all information required in this Section and shall be product specific. The local health department will perform a preliminary review of the application. The local health department shall forward the application and its recommendation regarding the application, along with any comments, to the Department for final approval. The Department may, upon request of a local health department, enter into an agreement with the local health department to allow the local health department to grant final approval for meat and poultry curing operations within its jurisdiction. Prior to commencing curing operations, the local health department shall perform an on-site inspection of the retail food store to ensure that the curing operations conform to the approved HACCP plan.
- c) A list of acceptable products approved for curing within the retail food store must be available in the processing area of the establishment.
- d) Employees assigned to cure meat or poultry must complete a training

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course and demonstrate familiarity with this Section and the potential hazards associated with the curing of foods. A description of the training course content provided to the employees must be available for review by the local health department.

- e) An approved HACCP plan is required for all curing operations. The following criteria must be met for the curing of meat and poultry in the establishment. All critical control points must be addressed including purchase of prepared cure mixes; use of calibrated and certified weighing devices if cure mixes are blended on the premises instead of pre-mixed blends; storage of cure ingredients in a dry, protected location; and discarding of any packet if it becomes wet. Raw material handling must be considered when thawing to prevent temperature abuse. Improperly thawed meat can cause insufficient cure penetration. Temperature abuse can cause spoilage or growth of pathogens. Curing may not be used to salvage meat that has excessive bacterial growth or spoilage.

f) Formulation, Preparation and Curing:

- 1) A formulation and preparation procedure must be documented;
- 2) All equipment and utensils must be cleaned and sanitized;
- 3) Pieces of meat or poultry must be prepared to uniform size to assure uniform cure penetration (this is extremely critical for dry and immersion curing);
- 4) Calibrated and certified scales must be used to weigh ingredients;
- 5) A schedule or recipe must be established for determining the exact amount of curing formulation to be used for a specified weight of meat or meat mixture;
- 6) Methods and procedures must be strictly controlled to ensure uniform cure;
- 7) Mixing of curing formulation with comminuted ingredients must be controlled and monitored (See 9 CFR 318 and 381);
- 8) All surfaces of meat or poultry must be rotated and rubbed at intervals of sufficient frequency to assure cure penetration when a dry curing method is used;
- 9) Immersion curing requires periodic mixing of the batch to facilitate uniform curing;
- 10) The application of salt during dry curing of muscle cuts requires that the temperature of the product be strictly controlled between 35° F and 41° F. The lower temperature is set for the purpose of assuring cure penetration and the upper temperature is set to limit microbial growth (See 9 CFR 318.10(c)(3)(iv));
- 11) Curing solutions must be discarded daily unless they remain with the same batch of product during its entire curing process;
- 12) Injection needles must be inspected for plugging when stitch pumping or artery pumping of muscle cuts is performed;
- 13) Sanitary casings must be provided for sausage, chub or loaf forming; and
- 14) Casings may not be stripped for reuse in forming additional chubs

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or sausages from batch to batch.

- h) Cooking and smoking shall be done according to Section 750.180, Cooking Potentially Hazardous Foods, or Section 750.3200, Smoked Meat, Poultry or Other Food Products (See also 9 CFR 318.17 and 318.23).

i) Cooling:

- 1) Cooling shall be done according to Section 760.150(c)(1)(A) and (B), with written cooling procedures established;
- 2) Chill water used in water sprays or immersion chilling which is in direct contact with products in casings or products cooked in an impervious package must be properly chlorinated;
- 3) Chill water temperature must be monitored and controlled;
- 4) Chill water may not be reused until properly chlorinated. Reclaimed chill water must be discarded daily;
- 5) Product must be placed in a manner that allows chilled water or air to uniformly contact the product for assurance of uniform cooling;
- 6) Internal temperatures must be monitored during cooling by using calibrated temperature measuring devices;
- 7) Adequate cooling medium circulation must be maintained and monitored;
- 8) Temperatures of the cooling medium must be monitored and recorded in accordance with a written procedure;
- 9) Direct hand contact with product during cooling, peeling of casing and packaging is prohibited.

j) Fermentation and Drying:

- 1) Fermentation and drying must be done in conjunction with a cooking or smoking step in accordance with subsection (g) of this Section and 9 CFR 318.10(c)(3);
- 2) Temperature and time must be controlled during fermentation or drying and record logs that record the monitoring of this process must be maintained;
- 3) Humidity must be controlled during fermentation or drying by use of a humidistat. Monitoring of the process must be recorded in a written log;
- 4) The product must be kept separated during fermentation and drying to allow adequate air circulation during the process;
- 5) The use of an active and pure culture must be assured to effect a rapid pH drop of the product. Use of commercially produced culture is necessary and the culture must be used according to the manufacturer's instructions;
- 6) Determination of the pH of fermented sausages at the end of the fermentation cycle must be recorded;
- 7) Dry (unfermented) products may not be hot smoked until the curing and drying procedures are completed; and
- 8) Semi-dry fermented sausage must be heated after fermentation to a time/temperature sufficient to meet requirements in Section 750.180 (Cooking Potentially Hazardous Foods).

- k) All aspects of curing operations must be conducted in an area

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

specifically designated for this purpose. There must be an effective separation to prevent cross contamination between raw and cooked foods or cured and uncured foods. Access to processing equipment shall be restricted to responsible trained personnel who are familiar with the potential hazards inherent in curing foods.

- 1) Any records required in this Section must be retained by the retail food store for at least 6 months.

(Source: Added at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

1) Heading of the Part: Voter Registration Program

2) Code Citation: 89 Ill. Adm. Code 900

3) Section Numbers: Proposed Action:

900.10	New
900.20	New
900.30	New
900.40	New
900.50	New
900.60	New
900.70	New

4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and the National Voter Registration Act (42 U.S.C. 1973gg, et seq.)

5) A Complete Description of the Subjects and Issues Involved: Pursuant to the National Voter Registration Act, DORS, as the State's lead agency in providing services to individuals with disabilities, must offer certain customers the opportunity to apply to register to vote at various times during the provision of services. These rules describe the process and procedures that will be followed by DORS.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this part? No

10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
TTY: (217) 785-9301

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Department did not anticipate this rulemaking at the time the agenda was published.

The full text of the Proposed Amendment is the same as the Emergency Amendment which appears on page 13592 of this issue of the Illinois Register.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Illinois Safety Responsibility Law

2) Code Citation: 92 Ill. Adm. Code 1070

3) Section Numbers: Proposed Action:

1070.40 Amendment

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 7].

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking is being amended in order to eliminate the security deposit receipt requirement for deposit disposition. Under our current rule, the original receipt or Affidavit for Lost Receipt is required before our office can release the security deposit when bankruptcy is filed and when the depositor is directing payment. Elimination of this requirement would make our procedure less bureaucratic and more convenient for our customers. As stated in Section 1070.40(c), when the depositor files bankruptcy, the security is refunded when we receive a copy of the bankruptcy notice and the receipt. As specified in 625 ILCS 5/7-211(3), bankruptcy relieves the person of the Safety Responsibility requirement. It is the bankruptcy document which should trigger the refund. The receipt, which is on microfilm with the file, has no bearing on the refund process. One of the more common methods of refunding security deposits is specified in Section 1070.40(d). Under this Section the depositor is directing the Secretary of State to release the money to the claimant (i.e., the person suffering damages). We know the deposit was made and our records include a copy of the receipt. To require the depositor to submit the original receipt or Affidavit for Lost Receipt is an unnecessary burden for our customer.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.

9) Are there any other proposed rulemakings pending on this part? No

10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of government.

11) Time, Place and Manner in which interested persons may comment on this

proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Mark A. Novak
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
(217) 782-5356

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because:

The full text of the Proposed Amendment begins on the next page:

SECRETARY OF STATE
NOTICE OF PROPOSED AMENDMENT
TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE
PART 1070
ILLINOIS SAFETY RESPONSIBILITY LAW

Section
1070.10 Forms of Security
1070.20 Future Proof
1070.30 Installment Agreements
1070.40 Disposition of Security
1070.50 Failure to Satisfy Judgment
1070.60 Release From Liability
1070.70 Incomplete Unsatisfied Judgment
1070.80 Driver's License Restriction for Exclusive Operation of Commercial Vehicles
1070.90 Dormant and Dead Judgments
1070.100 Bankruptcy

AUTHORITY: Implementing and authorized by the Illinois Safety Responsibility Law [625 ILCS 5/Ch. 7].

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; New Part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. 15083, effective October 8, 1991; amended at 16 Ill. Reg. 2172, effective January 24, 1992; amended at 17 Ill. Reg. 8517, effective May 27, 1993; amended at 18 Ill. Reg. 10909, effective June 28, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 1070.40 Disposition of Security

- a) For purposes of this Section, the following definitions shall apply:
"Affidavit-of-Best-Receipt"---the-form-utilized-when-the-receipt-is-lost---it-shall-contain-the-name-and-address-of-the-party-the-amount-of-security-deposited, the date and location of the accident, and the receipt number and date;
"Claim" - a demand for something rightfully or allegedly due.
"Claimant" - person or persons making claim.
"Default" - failure to make a payment when due.
"Department" - Department of Driver Services within the Office of the Secretary of State.

SECRETARY OF STATE
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- "Discharged in Bankruptcy" - a legal order for release from a debt or debts.
"Installment Agreement" - agreement to pay debt in payments pursuant to Section 7-208 of the Illinois Safety Responsibility Law.
"Judgment Creditor" - person who is owed money due to a court judgment in his/her favor.
"Proper Notice" - notice provided by, but not limited to any of the following: Petition in Bankruptcy; Notice of Meeting of Creditors; Schedule A-3 of Schedule of Creditors; Trustee Report of No Assets; Discharge of Bankruptcy; Notice of Automatic Stay; Chapter 13 Wage Earner Plan.
"Release" - to give up or surrender a claim.
"Security" - deposit made to satisfy any potential judgment or judgments for money damages following an accident as provided in Section 7-201 of the Illinois Safety Responsibility Law.
b) If a person has security deposited with the Department and the Department subsequently receives proper notice that the person has filed a petition for bankruptcy, then the Department shall forward the posted security directly to the bankruptcy court for disbursement during the normal course of the bankruptcy proceedings, and so provide notification to the debtor.
c) If a person has security deposited with the Department and the claim for which the security was deposited has been discharged in bankruptcy without proper notice having been provided the Department, then upon application by the depositor, the security shall be refunded to the depositor if the Department receives any one-but-not-limited-to---the-following:---original---receipt-for-the-security-deposited---or---affidavit-of---receipt---on---a---form---approved---by---the---Department---and---either---the---original---receipt---for---the---security---deposit---an---affidavit-of---lost---receipt---on---a---form---supplied---by---the---Department---or---other-acceptable---documents. The person who is to receive the deposit shall send to the Department a notarized release for the amount of the deposit before payment will be made.
d) A person posting a security who wishes to have the security released to a party or parties other than himself/herself shall provide to the Department a notarized letter directing payment to the claimant(s) and either the original receipt for the security deposit, an affidavit of lost receipt on a form supplied by the Department, or other acceptable documents. The person who is to receive the deposit shall send to the Department a notarized release for the amount of the deposit before payment will be made.
e) A security deposit shall be released by the Department after the Department receives a court order directing payment as provided in Section 7-214 of the Illinois Safety Responsibility Law [625 ILCS

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- 5/7-2141.
- f) If a security deposit is refunded because a person enters into an installment agreement and that person later defaults, the Department shall suspend the driving privileges and/or registration of that person until he/she redeposits the original amount of security or meets the other requirements set forth in Section 7-208(c) of the Illinois Safety Responsibility Law.
- g) A security deposit shall be refunded if the Department receives a notice of rescind of certification from the Illinois Department of Transportation, or an order of exoneration from the Department of Administrative Hearings.
- h) A security deposit shall also be refunded if the Department receives a certified court order indicating the security deposit should be refunded because the judgment has been satisfied, the case has been dismissed, or the party posting the security is not liable.
- i) A security deposit shall be refunded if no legal action has been taken within two (2) years after the date of the accident and the Department receives a notarized affidavit from the person depositing the security stating that to the best of his/her knowledge, he/she has not been or interested party a letter and give him/her two (2) weeks to respond. If he/she responds that he/she has not sued or does not respond, the Department shall close the case and refund the security deposit. If the interested party responds with a copy of the summons and complaint indicating court action has been initiated within two (2) years from the date of the accident, the security shall not be refunded to the depositor.
- j) Upon application by a judgment creditor seeking to obtain a security deposit, the Department shall notify the party who deposited the security or his/her authorized representative of the receipt of the unsatisfied judgment and that the security deposited shall be used toward satisfying the judgment, unless thence notified within 14 days by the party who deposited the security that the judgment has otherwise been satisfied. If no adequate response is obtained from the person who has deposited security, then the Department shall release the deposit to the judgment creditor or his/her authorized representative upon receipt of a certified full or partial satisfaction of judgment.
- k) If the security deposit so released pursuant to an unsatisfied judgment received by the Department only comprises a partial satisfaction of judgment, the remainder shall be paid by the driver or party posting the deposit or the driver shall be suspended. His/her driving privileges and vehicle registration shall not be restored until proof of satisfaction of judgment is submitted to the Department and future proof of financial responsibility is filed for judgments in the amount of \$500.00 or more.
- l) A surety bond shall be terminated if no legal action has been taken within two (2) years after the date of an accident, if the Department

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

receives from a person a letter for termination of a surety bond stating that to the best of his/her knowledge he/she has not been or is not being sued. To verify this the Department shall send the interested party a letter and give him/her two (2) weeks to respond. If he/she responds that he/she has not been sued or does not respond, the Department shall terminate the surety bond. If the interested party responds with a copy of the summons and complaint indicating court action has been initiated within two (2) years from the date of the accident, the surety bond shall not be terminated.

m) If a judgment creditor wishes to obtain a payment from a surety bond to satisfy a judgment, he/she shall notify the Safety and Financial Responsibility Section of the Department. The Department shall send a letter to the party who purchased the surety bond and his/her authorized representative informing him/her that the surety bond shall be used toward satisfying the judgment if he/she does not otherwise satisfy the judgment and notify the Department within fourteen (14) days of the procedure used to satisfy the judgment. A copy of the letter shall also be sent to the judgment creditor, his/her authorized representative, and the surety company. The Department shall thereafter make a demand on the surety company for the bond and send a copy of the letter to the judgment creditor and his/her authorized representative. If the surety bond only comprises partial satisfaction of judgment, the remainder shall be paid by the driver or the person who posted the surety bond or the driver's license and/or registration shall be suspended. His/her driving privileges and/or vehicle registration shall not be restored until proof of satisfaction of judgment is submitted to the Department and future proof of financial responsibility is filed for judgments in the amount of \$500.00 or more.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities

2) Code Citation: 83 Ill. Adm. Code 590

3) Section Numbers: 590.10
Adopted Action:
Amendment

4) Statutory Authority: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3].

5) Effective Date of Rulemaking: October 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes, approval form not required for this incorporation.

8) Date Filed in Agency's Principal Office: September 13, 1995

9) Notice of Proposal Published in Illinois Register:
April 7, 1995, at 19 Ill. Reg. 5177

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:
None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No
None required.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:
The purpose of the proposed amendment is to update the Commission's rules to incorporate the Federal rules as of February 15, 1995, to account for United States Department of Transportation rules that have an effective date of February 11, 1995.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Conrad Rubinkowski
Address: Illinois Commerce Commission
27 East Capitol Avenue

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

P.O. Box 19280
Springfield, IL 62794-9280
Telephone: (217) 785-8439

The full text of the Adopted Rule begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIES

PART 590

MINIMUM SAFETY STANDARDS FOR TRANSPORTATION
OF GAS AND FOR GAS PIPELINE FACILITIES

Section
590.10 Standards

AUTHORITY: Implementing and authorized by Section 3 of the Illinois Gas Pipeline Safety Act [220 ILCS 20/3].

SOURCE: Filed effective November 28, 1977; amended at 3 Ill. Reg. 5, p. 761, effective February 3, 1979; amended at 3 Ill. Reg. 11, p. 25, effective March 17, 1979; amended at 4 Ill. Reg. 1, p. 23, effective January 1, 1980; amended at 5 Ill. Reg. 6778, effective June 16, 1981; rules repealed, new rules adopted and codified at 7 Ill. Reg. 12858, effective September 16, 1983; amended at 8 Ill. Reg. 13195, effective July 16, 1984; amended at 10 Ill. Reg. 19405, effective November 15, 1986; amended at 11 Ill. Reg. 11733, effective July 1, 1987; amended at 12 Ill. Reg. 11707, effective July 15, 1988; recodified from 92 Ill. Adm. Code 1800 at 12 Ill. Reg. 12997; amended at 13 Ill. Reg. 16968, effective November 1, 1989; amended at 14 Ill. Reg. 10018, effective June 15, 1990; amended at 17 Ill. Reg. 12291, effective July 15, 1993; amended at 18 Ill. Reg. 11518, effective July 25, 1994; amended at 19 Ill. Reg. **13549**, effective OCT 01 1995.

Section 590.10 Standards

- a) The Illinois Commerce Commission adopts the standards contained in 49 CFR 191.23, 192, 193 and 199 as of January-17-1994 February 15, 1995, as its minimum safety standards for the transportation of gas and for gas pipeline facilities.
- b) No later amendment or editions are incorporated by this Part.

(Source: Amended at 19 Ill. Reg. **13549**, effective OCT 01 1995)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: The Illinois Nursing Act of 1987

2) Code Citation: 68 Ill. Adm. Code 1300

3) Section Numbers: Adopted Action:

1300.20 Amendment
1300.30 Amendment
1300.40 Amendment

4) Statutory Authority: [225 ILCS 65/10, 14, 15 and 19].

5) Effective Date of Amendments: September 19, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: September 18, 1995

9) Date Notice of Proposal Published in Illinois Register: March 10, 1995, at 19 Ill. Reg. 2658

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Difference(s) between proposal and final version: Section 1300.40, pertaining to the approval of nursing programs, was changed to allow more flexibility in the student to faculty ratio. The change will allow the ratio of students to faculty in the clinical area to vary from a maximum of 12 to 1 and 10 to 1, depending on whether a registered nurse preceptor is used.

Style and form changes also were made to improve clarity.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace an Emergency Amendment currently in effect? No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: The purpose of these amendments is to bring the rules up to date with the Act.

In Section 1300.20, language was removed concerning the issuance of work permits for applicants determined eligible for licensure except for passing the examination. The exam is now computerized and can be taken

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

upon request; thus, eliminating the need for the Department to issue work permits.

A subsection is added to the Endorsement Section to provide application requirements for applicants who received their education outside of the United States. Other new language in the Endorsement Section states that each applicant for a temporary endorsement permit will have his/her license checked on the National Council Network (NCNET) disciplinary data bank to determine if any disciplinary action is pending on the applicant's file.

In addition to modifying the student to faculty ratio in the Approval of Programs Section, the amendments allow clinical experience to be obtained with a registered nurse preceptor rather than limiting approved experience to that provided under direct supervision of qualified faculty.

- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
(217) 785-0813 or Fax: (217) 782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1300

THE ILLINOIS NURSING ACT OF 1987

Section	
1300.10	Definitions
1300.20	Application for Examination
1300.25	The Licensure Examination
1300.27	Application for Licensure on the Basis of Examination
1300.30	Licensure by Endorsement
1300.40	Approval of Programs
1300.41	Approval of Current Nursing Practice Update Course
1300.42	Standards of Professional Conduct for Registered Professional Nurses
1300.43	Standards of Professional Conduct for Licensed Practical Nurses
1300.44	Standards for Pharmacology/Administration of Medication Course for Practical Nurses
1300.45	Renewals
1300.48	Restoration
1300.50	Granting Variances
1300.60	Practice of Nursing
1300.70	Fines

AUTHORITY: Implementing the Illinois Nursing Act of 1987 [225 ILCS 65] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 4, p. 290, effective January 14, 1980; amended at 5 Ill. Reg. 801, effective January 7, 1981; codified at 5 Ill. Reg. 11044; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 10023, effective August 1, 1982; amended at 9 Ill. Reg. 6297, effective April 24, 1985; amended at 9 Ill. Reg. 13355, effective August 21, 1985; amended at 11 Ill. Reg. 18251, effective October 27, 1987; transferred from Chapter I, 68 Ill. Adm. Code 300 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1300 (Department of Professional Regulation) Pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2938; amended at 12 Ill. Reg. 12088, effective July 12, 1988; amended at 14 Ill. Reg. 10035, effective June 12, 1990; emergency amendment at 15 Ill. Reg. 2855, effective February 5, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 8573, effective May 28, 1991; amended at 17 Ill. Reg. 1572, effective January 25, 1993; amended at 19 Ill. Reg. **13552**, effective **SEP 19 1995**.

Section 1300.20 Application for Examination

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- a) Each applicant shall file, with the testing service designated by the Department of Professional Regulation (the "Department"), a completed, signed application, on forms supplied by the Department, ~~at least 60 calendar days prior to the examination date. The application shall include~~ includes:
- 1) proof of graduation from a nursing education program which ~~that~~ meets the requirements of Section 1300.40 of this Part;
 - 2) signature of the Director of the nursing education program or other person designated by the Director of the nursing education program;
 - 3) a complete work history since graduation from a practical nurse education program or a professional nurse education program whichever came first;
 - 4) the required examination fee set forth in Section 23 of the Act;
 - 5) proof of passage of:
 - A) the Commission on Graduates of Foreign Nursing Schools (CGFNS) Examination ~~is required of~~ for all persons applying after January 1, 1984, who completed a nursing education program in a country other than the United States or its territories; ~~or~~
 - B) ~~proof of passage of~~ the Test of English as a Foreign Language (TOEFL) with a score of 550 ~~is required of~~ for those applicants who submit proof of denial of eligibility to sit for the CGFNS examination and who are licensed in a country other than the United States or its territories and determined educationally prepared in nursing; ~~and~~
- 6) ~~official transcripts of theory and clinical education prepared by an official of the military for a practical nurse applicant who has received practical nursing education in the military service--official transcripts--of theory and clinical education prepared by an official of the military. This education must meet the standards set forth in Section 1300.40.~~
- b) Any applicant who fails to demonstrate fulfillment of the education requirements shall be notified in writing and must satisfy the deficiency before being granted temporary authority to practice nursing, as permitted under Section 4(g) or 4(i) of the Act, or being admitted to the examination. Deficiencies in nursing theory and/or clinical practice may be removed by taking the required course(s) in an approved nursing education program.
- bc) When the applicant has completed the nursing education program in less than the usual length of time through advanced standing or transfer of credits from one institution to another, the Director of nursing education shall include an explanation in the certification.
- c) ~~it shall be the responsibility of the Director of the nursing education program~~
- 1) ~~to notify the Department prior to the examination if any applicant fails to complete the program or meet the requirements for graduation as scheduled; and~~

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- 2) ~~to submit a work permit request to the Department or its designated testing service for an applicant who has completed an approved nursing education program--if the applicant has been determined eligible for licensure except for passing of the examination--the applicant shall be issued a permit which allows them to practice under direct supervision in accordance with Section 4 of the Act. The applicant shall not begin practice as a nurse--license pending until notice is received from the Department.~~
 - d) ~~The permit shall be terminated upon:~~
 - 1) failure of the examination;
 - 2) a violation of the Act or this Part;
 - 3) failure to apply for licensure within one year after passing the examination;
 - e) ~~Credentials of education and licensure, if not in English, shall be accompanied by a certified translation.~~
 - 1) ~~After filing the original application, any change of name must be supported by an affidavit satisfactory to the Department.~~
 - g) ~~Any applicant who cannot demonstrate fulfillment of the education requirements shall be notified in writing and must satisfy the deficiency before being granted temporary authority to practice nursing--as permitted under Section 4(g) or 4(i) of the Act or being admitted to the examination--Deficiencies in nursing theory and/or clinical practice may be removed by taking the required course(s) in an approved nursing education program.~~
- (Source: Amended 19 Ill. Reg. 13552, effective SEP 19 1995)
- Section 1300.30 Licensure by Endorsement
- a) ~~Endorsement--Application--procedure--if~~ Each applicant shall file a completed, signed application for licensure on the basis of endorsement, on forms supplied by the Department. The application shall include:
- 1) the required fee in Section 23(e) of the Act;
 - 2) proof of graduation from a nursing education program which ~~that~~ meets the requirements of Section 1300.40; ~~and~~
 - 3) proof of passage of an examination recognized by the Department, upon recommendation of the Committee (i.e., National Council Licensure Examination for Professional Nurses or Practical Nurses, or State Board Test Pool Examination for Professional Nurses or Practical Nurses);
 - 4) a complete work history since graduation from a practical nurse education program or a professional nurse education program, whichever came first;
- 1) ~~for applicants who received education outside of the United States;~~

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67A) proof of passage of the Commission on Graduates of Foreign Nursing Schools (CGFNS) Examination ~~is required of~~ for all persons licensed in their original jurisdictions subsequent to January 1, 1984, who completed their nursing education program in a country other than the United States or its territories. An applicant shall be exempt from taking the CGFNS examination if the applicant:

- i) has passed the examination authorized by the Department as set forth in Section 1300.25;
- ii) holds an active, unencumbered license in another state; and
- iii) has been actively practicing for a minimum of 2 years in the other state.

Applicants who are exempt from taking the CGFNS examination shall submit a copy of the evaluation (the Nursing and Science Course Report) of nursing education credentials submitted by a Department approved nursing credentialing evaluation service. The Department has determined, upon recommendation of the Committee, that the Commission on Graduates of Foreign Nursing Schools is an approved evaluation service.

67B) proof of passage of the Test of English as a Foreign Language (TOEFL) with a score of 550 is required of those applicants who submit proof of denial of eligibility to sit for the CGFNS examination and who are licensed in a country other than the United States or its territories if determined educationally prepared in nursing;

67C) for ~~a practical nurse applicant who has received his practical nursing education in the military service~~ official transcripts of theory and clinical education prepared by an official of the military for a practical nurse applicant who has received his/her education in the military service. Education must meet the standards for education as set forth in Section 1300.40-1;

67D) verification of licensure status from all states and/or foreign jurisdiction in which licensure has ever been granted and verification of licensure status from the foreign jurisdiction in which the applicant has most recently practiced; and

67E) a certified translation for all credentials credentials of education and licensure, if not in English, shall be accompanied by a certified translation.

67F) After filing the original application, any change of name must be supported by an affidavit satisfactory to the Department.

67G) Deficiencies in nursing theory and/or clinical practice may be removed by taking the required course(s) in an approved nursing education program.

67H) Each applicant for licensure by endorsement who, in connection with his/her original registration, was not tested on subject matter

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substantially equivalent to that required of Illinois nurses at such time, shall be required to take and pass, before a license will be issued by the Department, that subject matter not previously taken and passed.

77E) Compliance with the provisions of Sections 1300.25(b)(3) and 1300.25(c)(3) for each registered professional nurse applicant and each practical nurse applicant, respectively, shall be a requirement for Illinois nurse licensure by endorsement.

77F) Each applicant who graduated from a professional nursing education program after August 17, 1969, must furnish proof of having completed a course in psychiatric nursing with a theory and clinical component.

77G) Each applicant who graduated from a nursing education program after 1959 must have completed a course in obstetric nursing with a theory and clinical component.

77H) Eligibility for Practical Nurse Endorsement. A candidate who is unable to pass the registered professional nurse examination in another jurisdiction and is allowed to write the practical nurse examination in that jurisdiction and is subsequently licensed as a practical nurse in that jurisdiction is not eligible for endorsement in Illinois unless and until such candidate has graduated from an approved practical nursing education program.

77I) Sections of Examinations Passed in More Than One State Prior to the Implementation of the Single Score Examination. The Department will grant an Illinois license as a registered professional nurse to an individual who has been licensed in another state and who is otherwise qualified for licensure in Illinois, whether or not all areas of the licensure examination were written in the same jurisdiction, if said examination(s) were written subsequent to February 1, 1976. If said examinations were written prior to February 1, 1976, the Department will review the individual's case to determine substantial equivalence under subsection 77F(7)(d) above.

77J) Individuals applying for licensure by endorsement may apply to the Department, on forms provided by the Department, to receive a Temporary Endorsement Permit pursuant to P.A. 86-1472 Section 19(b) of the Act. Such permit shall allow the applicant to work pending the issuance of a license by endorsement.

- 1) The temporary endorsement permit application shall include:
 - A) a completed, signed endorsement application, along with the required endorsement licensure fee as set forth in Section 23(e) of the Act. All supporting documents shall be submitted to the Department before a permanent license by endorsement shall be issued;
 - B) photostatic copies of all current active nursing licenses and/or temporary permits/licenses from other jurisdictions. Current active licensure in at least one United States jurisdiction is required. Each applicant's license will be checked on the National Council Network (NCNET) disciplinary

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data bank to determine if any disciplinary action is pending on the applicant's file; and

- C) the temporary-endorsement-permit fee for a temporary permit as required in Section 19(b)(4) of this Act.

2) The Department shall issue a temporary endorsement permit no later than 14 days after receipt of a completed application as set forth in subsection (b)(1) above.

3) Temporary permits shall be terminated upon:

- A) the issuance of a permanent license by endorsement;
 B) failure to complete the application process within six (6) months from the date of issuance of the permit;
 C) a finding by the Department that the applicant has been convicted of any crime under the laws of any jurisdiction of the United States which is a:
 i) felony, or
 ii) misdemeanor directly related to the practice of nursing within the last 5 years;

D) a finding by the Department that the applicant has had a license or permit related to the practice of nursing revoked, suspended or placed on probation by another jurisdiction, if at least one of the grounds is substantially equivalent to grounds in Illinois, within the last 5 years; or
 E) a finding by the Department that the applicant does not meet the licensure requirements for endorsement as set forth in this Section. The Department shall notify the applicant in writing of such termination.

4) The Department shall notify the applicant by certified or registered mail of the intent to deny licensure pursuant to subsection (D) and (E) above and/or Section 25 of the Act.

A temporary permit shall be extended beyond the 6-month period, upon recommendation of the Board and approval of the Director, due to hardship as defined below:

- A) serving full-time in the Armed Forces;
 B) an incapacitating illness as documented by a currently licensed physician;
 C) death of an immediate family member; or
 D) extenuating circumstances beyond the applicant's control as approved by the Director.

(Source: Amended at 19 Ill. Reg. 13552, effective SEP 19 1995)

Section 1300.40 Approval of Programs

a) Program Approval

Institutions desiring to establish a new nursing program that would lead to meeting requirements for licensure or change the level

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of educational preparation of the program or establish an extension of an existing program shall:

- 1) Submit a letter of intent to the Department;
 2) Provide a feasibility study to the Department, on forms provided by the Department, which includes, at least, documentation of:
 A) Need for the program in the community;
 B) Need for graduates of the proposed program;
 C) Availability of students;
 D) Impact on existing nursing programs in a 50 mile radius of the proposed program;
 E) Potential for qualified faculty;
 F) Adequacy of clinical practicum and academic resources;
 G) Financial commitment to support the initial and continuing program;
 H) Community support of the scope and philosophy of the program;
 I) Authorization by the appropriate education agency of the State of Illinois; and
 J) A timetable for development of the program and the intended date of the first class beginning.

3) Submit 15 to 20 copies of curriculum proposal including:

- A) Program philosophy and objectives;
 B) A plan of organization which is logical and internally consistent;
 C) Proposed plans of study including requisite and elective courses with rationale;
 D) Course outlines or syllabi for all nursing courses;
 E) Student handbook;
 F) Faculty qualifications;
 G) Instructional approaches to be employed;
 H) Evaluation plans for faculty and students; and
 I) Facilities and utilization plan.

A site visit will be conducted by the Department prior to the program being approved.

b) Continued Program Approval

- 1) Nursing education programs shall submit annual evaluation reports to the Department on forms provided by the Department. These reports shall contain information regarding curriculum, faculty and students and other information as deemed appropriate by the Department.
 2) Full routine site visits shall be conducted by the Department for periodic evaluation. The visits will be utilized to determine compliance with the Act. Full routine site visits shall be announced. Unannounced site visits may be conducted when the Department obtains evidence which would indicate that the program is not in compliance with the Act or this Part.
 3) A pass rate of graduates on the National Council Licensing Examination (NCLEX) shall be included in the annual evaluation of

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nursing education programs.

- A) A pass rate of 75% of first time writers will be required for a school to remain in good standing.
- B) A nursing education program having an annual pass rate of less than 75% of first time writers for one year will receive a written warning of noncompliance from the Department.
- C) A nursing education program having an annual pass rate of less than 75% of first time writers for two 2 consecutive years will receive a site visit for evaluation and recommendation by the Department and will be placed on probation for program revision in accordance with 68 Ill. Adm. Code 1110.
- D) The nursing education program shall have two 2 years to demonstrate evidence of implementing strategies to correct deficiencies and bring the pass rate in line with the 75% criteria.
- E) If two 2 years after implementing of the strategies to correct deficiencies in the program the annual pass rate is less than 75%, the program will be reevaluated. The program will be allowed to continue to operate on a probationary status or will be disapproved and removed from the list of Illinois approved nursing programs in accordance with 68 Ill. Adm. Code 1110.

c) Major Curricular Revision

Nursing education programs desiring to make a major curricular revision: addition or deletion of content; a substantive change in philosophy or conceptual framework; or length of program shall:

- 1) Submit a letter of intent to the Department; and
- 2) Submit 15 to 40 copies of the proposed changes and new material to the Department, at least one term prior to implementation, for Committee recommendation and Department approval in accordance with the standards set forth in subsection (f).

d) Minor Curricular Revisions

Nursing education programs desiring to make curricular revisions involving reorganization of current course content but not constituting a major curriculum revision shall submit the proposed changes to the Department in their annual report.

e) Organization and Administration

- 1) An institution responsible for conducting a nursing education program shall be authorized by the appropriate agency of the State of Illinois (e.g., Illinois Board of Higher Education, State Board of Education, Illinois Community College Board);
- 2) The relationship of the nursing education program to other units within the sponsoring institution shall be clearly delineated with organizational charts on file with the Department;
- 3) Nursing education programs shall have clearly defined lines of authority, responsibility and communication;

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- 4) Student input into determination of academic policies and procedures, curriculum planning and evaluation of faculty effectiveness shall be assured as evidenced by information such as student membership on policy and evaluation committees, policy statements and evaluation procedures.
- 5) Nursing education program policies and procedures shall be in written form, congruent with those of the sponsoring institution, and shall be reviewed by members of the program on a regular schedule;
- 6) The philosophy, purpose, and objectives of the nursing education program shall be stated in writing and shall be consistent with the sponsoring institution and current social, nursing and educational trends and the Act.
- f) Curriculum and Instruction
 - 1) The curriculum shall be based upon the stated program purpose, philosophy and objectives;
 - 2) Levels of progression in relation to the stated program objectives shall be established;
 - 3) Coordinated clinical and theoretical learning experiences shall be consistent with the program objectives;
 - 4) Curricular content shall reflect contemporary nursing practice encompassing major health needs of all age groups;
 - 5) ~~All~~ The entire curriculum shall be based on sound nursing, education and instructional principles;
 - 6) The curriculum may include a Nursing Student Internship/Cooperative Education Course which ~~that~~ meets the following minimum requirements:
 - A) Must be course available with nursing major and identified on transcript.
 - B) Faculty must meet approved nursing education program qualifications and hold faculty status with educational unit.
 - C) Clinical content must be coordinated with theoretical content.
 - D) Clinical experience must be under direct supervision of qualified faculty as set forth in subsection (g) or with a registered nurse preceptor. The nurse preceptor shall be approved by the program and shall work under the direction of a nurse faculty member.
 - E) Students shall not be permitted to practice beyond educational preparation or without faculty supervision.
 - F) Course shall be based on program purpose philosophy, objectives and framework.
 - G) Course evaluation shall be consistent with plan for program evaluation.
 - H) Articles of affiliation shall clearly delineate student, educational institution and health care agency roles and responsibilities;

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- 7) The curriculum shall be evaluated by faculty with student input according to a stated plan;
- 8) The program shall be approved by the appropriate educational agency;
- 9) Curriculum for professional nursing programs shall:
- Include, ~~as~~ at a minimum, concepts in anatomy, physiology, chemistry, physics, microbiology, sociology, psychology, communications, growth and development, interpersonal relationships, group dynamics, cultural diversity, pharmacology and the administration of medication, nutrition and diet therapy, patho-physiology, ethics, nursing history, trends and theories, professional and legal aspects of nursing, leadership and management in nursing, and teaching-learning theory;
 - ~~These--requirements--shall--not~~ Not preclude a flexible curriculum that would provide appropriate integration of the nursing subject matters;
 - Provide theoretical and clinical instruction in all areas of nursing practice which encompasses attainment and maintenance of optimum physical and mental health and prevention of illness for individuals and groups throughout the life-cycle;
 - Incorporate the nursing process as an integral part of the curriculum;
 - Prepare the student to assume beginning level professional nursing positions;
 - Be at least two 2 academic years in length.
- 10) Curriculum for the practical nursing programs shall:
- Include, ~~as~~ at a minimum, basic concepts of anatomy, physiology, chemistry, microbiology, physics, communications, growth and development, interpersonal relationships, psychology sociology, cultural diversity, pharmacology (pharmacology course standards are set forth in Section 1300.44), nutrition and diet therapy, vocational, legal and ethical aspects of nursing;
 - ~~These--requirements--shall--not~~ Not preclude a flexible curriculum that would provide appropriate integration of the nursing subject areas;
 - Provide basic theoretical and clinical instruction in nursing which encompasses the attainment and maintenance of physical and mental health and the prevention of illness for individuals and groups throughout the life cycle;
 - Incorporate the nursing process as an integral part of the curriculum;
 - Prepare the student to assume entry level practical nursing positions to assist clients with normal and common health problems through use of basic nursing skills; ~~and~~
 - Be at least one academic year in length; ~~and~~

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- G) If a ~~An--acceptable~~ military program, shall consist of a minimum of 36 to 40 weeks of theory and clinical instruction incorporating the curriculum as outlined in subsection(f)(10)(A).
- g) Faculty
- The institution responsible for conducting the nursing program and the Nurse Administrator of the nursing education program shall be responsible for ensuring that the individual faculty members are academically and professionally qualified.
 - Nursing education programs shall be administered by the Nurse Administrator of the nursing education program.
 - The Nurse Administrator and faculty of a nursing education program shall be currently licensed as registered professional nurses in Illinois.
 - The Nurse Administrator of a nursing education program shall have at least:
 - two 2 years experience in clinical nursing practice;
 - two 2 years of experience as an instructor in a nursing education program;
 - a master's degree or higher with a major in nursing.
 - Nurse faculty of a professional nursing program shall have:
 - At least two 2 years experience in clinical nursing practice;
 - A master's degree or higher with a major in nursing. ~~E) (An individual with a bachelor's degree with a major in nursing and a master's degree in a related area other than nursing and who has at least 10 years' experience as a faculty member in a State State approved professional nursing program may request a variance of the Rule.)~~
- No more than 12% of the total program nurse faculty may be employed in a nursing education program without a master's degree with a major in nursing.
- 6) Nurse faculty of a practical nursing program shall have:
- At least two 2 years experience in clinical nursing practice; and
 - A baccalaureate degree or higher with a major in nursing.
- 7) The requirements of subsections g(4), (5) and (6) above shall not affect incumbents as of the original date these requirements were adopted, January 14, 1980.
- 8) Nurse Administrators of nursing education programs shall be responsible for:
- Administration of the nursing education program;
 - Liaison with other units of the sponsoring institution;
 - Preparation and administration of the budget;
 - Facilitation of faculty development and performance review;
 - Facilitation and coordination of activities related to academic policies, personnel policies, curriculum, resource facilities and services, and program evaluation; ~~and~~

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F) ~~Be---responsible---for---notification~~ Notification to the Department of program changes.

9) Faculty shall be responsible for:

- A) Development, implementation and evaluation of the purpose, philosophy, and objectives of the nursing education program;
- B) Design, implementation and evaluation of curriculum for the nursing education program;
- C) Participation in academic advising of students;
- D) Development and evaluation of student policies; and
- E) Evaluation of student performance in meeting the objectives of the program.

10) Faculty shall participate in:

- A) Selection, promotion and tenure activities;
- B) Academic activities of the institution;
- C) Professional and health related community activities;
- D) Self-development activities for professional and personal growth; and
- E) Research and other scholarly activities for which qualified.

~~the--ratio--of--students--to--faculty--in--the--clinical--area--shall--be appropriate--to--the--clinical--learning--experience--but--shall--not exceed--12--1~~

11) Clinical experience must be under direct supervision of qualified faculty as set forth in subsection (g) or with a registered nurse preceptor. The nurse preceptor shall be approved by the parent institution and shall work under the direction of a nurse faculty member.

12) The ratio of students to faculty in the clinical area shall be appropriate to the clinical learning experience:

- A) When under direct supervision of the faculty; the ratio shall not exceed 10 to 1.
- B) When a registered nurse preceptor is used, the ratio of students to faculty member shall not exceed 12 to 1.

h) Financial Support, Facilities, Records

1) Adequate financial support for the nursing education program, faculty and other necessary personnel, equipment, supplies and services, shall be in evidence in the program budget.

2) The faculty of the nursing education program and the staff of cooperating agencies used as sites for additional theory and clinical experience shall work together for quality of patient care.

3) Articles of Affiliation

A) The nursing education program shall have Articles of Affiliation between the nursing education program and each clinical facility which define the rights and responsibilities of each party, including agreements on the role and authority of the governing bodies of both the clinical site and the nursing education program.

B) If portions of the required clinical or theoretical

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curriculum are offered at different geographical sites, the curriculum must be planned, supervised, administered and evaluated in concert with appropriate faculty committees, department chairmen and administrative officers of the parent school.

4) There shall be adequate facilities for the nursing program for both academic and clinical experiences for students.

5) There shall be access to library facilities that are reasonably sufficient for the curriculum and the number of students enrolled in the nursing education programs.

6) Cooperating agencies shall be identified to the Department and shall be suitable to meet the objectives of the program.

7) Addition or deletion of cooperating agencies shall be reported in writing to the Department no later than ~~thirty--30~~ 30 days after the entrance into a contract or upon cancellation of a contract.

8) The nursing program's policies and procedures shall not violate constitutional rights and shall be written and available to faculty and students.

9) Permanent student records that summarize admissions, credentials, grades and other records of performance shall be maintained by the program.

i) Discontinuance of a Nursing Program

1) A nursing education program shall:

A) Notify the Department, in writing, of its intent to discontinue its program;

B) Continue to meet the requirements of the Act and this Part until the official date of termination of the program;

C) Notify the Department of the date on which the last student will graduate and the program terminate; and

D) Assume responsibility for assisting students to continue their education in the event of closing of the school prior to the final student graduating.

2) Upon closure of the nursing education program, the institution shall notify the Department, in writing, of the location of student and graduate records storage.

j) Disapproval of a Program

1) The following are grounds for disapproval of a nursing education program:

A) A violation of any provision of the Act;

B) Fraud or dishonesty in applying for approval of a nursing education program;

C) Failure to continue to meet criteria of an approved nursing education program as set forth in this Section; or

D) Failure to comply with recommendations made by the Department as a result of a site visit.

2) Upon written notification of the ~~proposed---Department's~~ Department's proposed action, the nursing education program may:

A) Submit a written response;

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B) Request a hearing before the Committee.

(Source: Amended at 19 Ill. Reg. **13552**, effective
~~SEP 19 1995~~)

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- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers: Proposed Action:
130.1995 Amendment
- 4) Statutory Authority: 35 ILCS 120/1 et seq.
- 5) Effective Date of Amendment(s): September 11, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: September 11, 1995
- 9) Notice of Proposal Published in Illinois Register: April 14, 1995, 19 Ill. Reg. 5450
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
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130.501	Amendment	10/14/95, 18 Ill. Reg. 15383
130.502	Amendment	10/14/95, 18 Ill. Reg. 15383
130.510	Amendment	10/14/95, 18 Ill. Reg. 15383
130.540	Amendment	10/14/95, 18 Ill. Reg. 15383
130.331	Amendment	1/20/95, 18 Ill. Reg. 571

- 15) Summary and Purpose of Amendment(s): Amended Section 130.1995 amends the Department's rule concerning the Retailers' Occupation Tax Act to provide that sellers of personalized greeting cards do not incur Retailers' Occupation Tax liability on their receipts from such sales because they are engaged in a service occupation in producing such items, which have no commercial value for their customers.

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16) Information and questions regarding this adopted amendment shall be directed to:

Gina Roccaforte
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, IL 62794
(217) 782-6996

The full text of the Adopted Amendment begins on the next page:

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TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	Character and Rate of Tax
130.101	Responsibility of Trustees, Receivers, Executors or Administrators
130.105	Occasional Sales
130.110	Sale of Used Motor Vehicles by Leasing or Rental Business
130.111	Habitual Sales
130.115	Nontaxable Transactions
130.120	

SUBPART B: SALE AT RETAIL

Section	The Test of a Sale at Retail
130.201	Sales for Transfer Incident to Service
130.205	Sales of Tangible Personal Property to Purchasers for Resale
130.210	Further Illustrations
130.215	Sales to Lessors of Tangible Personal Property
130.220	

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section	Farm Machinery and Equipment
130.305	Food, Drugs, Medicines and Medical Appliances
130.310	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
130.315	Gasohol
130.320	Fuel Used by Air Common Carriers in International Flights
130.321	Graphic Arts Machinery and Equipment Exemption
130.325	Manufacturing Machinery and Equipment
130.330	Pollution Control Facilities
130.335	Rolling Stock
130.340	Oil Field Exploration, Drilling and Production Equipment
130.345	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
130.350	

SUBPART D: GROSS RECEIPTS

Section	Meaning of Gross Receipts
130.401	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
130.405	Cost of Doing Business Not Deductible
130.410	

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130.415 Transportation and Delivery Charges
130.420 Finance or Interest Charges--Penalties--Discounts
130.425 Traded-In Property
130.430 Deposit or Prepayment on Purchase Price
130.435 State and Local Taxes Other Than Retailers' Occupation Tax
130.440 Penalties
130.445 Federal Taxes
130.450 Installation, Alteration and Special Service Charges
130.455 Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

Section
130.501 Monthly Tax Returns--When Due--Contents
130.502 Quarterly Tax Returns
130.505 Returns and How to Prepare
130.510 Annual Tax Returns
130.515 First Return
130.520 Final Returns When Business is Discontinued
130.525 Who May Sign Returns
130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
130.535 Payment of the Tax, Including Quarterly Monthly Payments in Certain Instances
130.540 Returns on a Transaction by Transaction Basis
130.545 Registrants Must File a Return for Every Return Period
130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel
130.555 Vending Machine Information Returns
130.560 Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section
130.601 Preliminary Comments
130.605 Sales of Property Originating in Illinois
130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section
130.701 General Information on Obtaining a Certificate of Registration
130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements
130.710 Procedure When Security Must be Forfeited
130.715 Sub-Certificates of Registration
130.720 Separate Registrations for Different Places of Business of Same

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130.725 Taxpayer Under Some Circumstances
130.730 Display
130.735 Replacement of Certificate
130.735 Certificate Not Transferable
130.740 Certificate Required For Mobile Vending Units
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SUBPART H: BOOKS AND RECORDS

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SUBPART J: BINDING OPINIONS

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130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section
130.1101 Definition of Federal Area
130.1105 When Deliveries on Federal Areas Are Taxable
130.1110 No Distinction Between Deliveries on Federal Areas and Deliveries Outside Federal Areas

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130.1201 General Information
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SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
130.1301 When Lessee of Premises Must File Return for Leased Department

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130.1305 When Lessor of Premises Should File Return for Leased Department
 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

Section
 130.1401

130.1405 Seller's Responsibility to Determine the Character of the Sale at
 the Time of the Sale

130.1410 Seller's Responsibility to Obtain Certificates of Resale and
 Requirements for Certificates of Resale

130.1415 Requirements for Certificates of Resale (Repealed)

130.1415 Resale Number--When Required and How Obtained

130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

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 130.1501 Claims for Credit--Limitations--Procedure
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SUBPART P: PROCEDURE TO BE FOLLOWED UPON
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SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

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SUBPART R: POWER OF ATTORNEY

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 130.1920 Auctioneers and Agents
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 130.1940 Computer Software
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 130.1950 Co-operative Associations
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 130.1955 Farm Chemicals
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 Florists and Nurserymen
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 Occupations, and Their Suppliers
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 130.2085 Sales to or by Banks, Savings and Loan Associations and Credit

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130.2100 Sellers of Feeds and Breeding Livestock
130.2105 Sellers of Newspapers, Magazines, Books, Sheet Music and Phonograph Records and Their Suppliers
130.2110 Sellers of Seeds and Fertilizer
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130.2120 Suppliers of Persons Engaged in Service Occupations and Professions
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130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
130.2165 Veterinarians
130.2170 Warehousemen

ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 1201] and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; reclassified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767,

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effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13568, effective

SEP 1 1995

SUBPART S: SPECIFIC APPLICATIONS

Section 130.1995 Personalizing Tangible Personal Property

a) When The Tax Applies

- 1) Thermometers, pencils, pens, mirrors, silverware, notebooks, diaries, baby books, guest registers and other similar books of general utility for the recording of information, brief cases, wallets, toys, paper weights, pins and other jewelry, watches, rulers, match books, playing cards, blotters, calendars, greeting cards, bags and other fairly standard salable containers, napkins, dishes (whether made from paper or some other material), handkerchiefs and other articles of merchandise which bear the name, monogram or trade-mark of the purchaser or of some other person, or which bear advertising inscriptions of the purchaser or of some other person, have intrinsic usefulness and general utility and so have commercial value (i.e., value to persons other than the purchaser), notwithstanding the fact that such items are personalized for the purchaser by the seller by printing, engraving or some other process by means of which the purchaser's name, monogram, trade-mark or special advertising matter is placed upon the article for the purchaser by the seller.
- 2) Retail vendors of such items incur Retailers' Occupation Tax liability. This is also true even if the seller produces such items only upon receipt of an order therefor. The value or size of the article sold is not material.
- 3) For information concerning what constitutes a "sale at retail"

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see Subpart B of this Part. For information concerning the taxability or exemption of receipts from personalizing charges where the seller incurs Retailers' Occupation Tax liability despite his furnishing of a personalizing service as an incident to the sale, see Section 130.450 of this Part.

b) When The Tax Does Not Apply

1) Sellers of personalized business calling cards, greeting cards, letterheads, envelopes, labels, name plates, badges, medallions and the like do not incur Retailers' Occupation Tax liability on their receipts from such sales because they are primarily engaged in a service occupation in producing or procuring such items, which have no commercial value for their customers.

2) Persons who personalize tangible personal property which already belongs to their customers also are engaged primarily in a service occupation and do not incur Retailers' Occupation Tax liability upon their receipts from engaging in such service occupation.

3) For information concerning the application of the Service Occupation Tax to the purchase and retransfer of tangible personal property by servicemen as an incident to sales of service, see the Service Occupation Tax Regulations.

(Source: Amended at 19 Ill. Reg. **13568**, effective **SEP 11 1995**)

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED RULES

1) Heading of the Part: University Rules on Charitable Fund Drive for the Urbana-Champaign Campus

2) Code Citation: 80 Ill. Adm. Code 2675

3) Section Numbers: Adopted Action:

2675.10 New

2675.20 New

2675.30 New

2675.40 New

2675.50 New

2675.60 New

4) Statutory Authority: Section 5 of the Voluntary Payroll Deductions Act of 1983. [5 ILCS 340/5]

5) Effective Date of Rulemaking: September 25, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 27, 1995

9) Notice of Proposal Published in Illinois Register:

(issue date) April 21, 1995 19 Ill. Reg. 6008

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

In Section 2675.30 the reference to "c/o Associate Chancellor Kathleen Pechnold" is deleted.

In Section 2675.40 a) the requirement that an application contain "the level of local and community service funding" was deleted and a request for "an address and telephone number of an officer where donors can obtain information about local and community service funding" was added.

In Section 2675.50 e) references to subsections a) through e) were placed in parentheses.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

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14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

Under Section 5 of the Voluntary Payroll Deductions Act of 1983 (5 ILCS 340/1, et seq.) the University of Illinois is authorized to promulgate rules governing solicitation of contributions at the workplace. The adopted rules formalize procedures at the University for the solicitation of donations from employees at the University. Filing deadlines and uniform information is requested from agencies wanting to participate in the Annual Campus Fund Drive. Agencies will share equally in the costs of running the campaign.

16) Information and questions regarding these adopted rules shall be directed to:

Name: Ms. Kathleen Pecknold
Address: Associate Vice Chancellor
for Administration and Human Resources
Swanlund Building
601 East John
Champaign, IL 61820
Telephone: (217) 244-4457

The full text of the Adopted Rule begins on the next page:

BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

NOTICE OF ADOPTED RULES

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE G: PAYROLL DEDUCTIONS

CHAPTER IV: BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

PART 2675

UNIVERSITY RULES ON CHARITABLE FUND DRIVE
FOR THE URBANA-CHAMPAIGN CAMPUS

Section	
2675.10	Scope
2675.20	Definitions
2675.30	Identification of Organization
2675.40	Contents of Application
2675.50	Annual Requirements for Campus Charitable Fund Drive Participating Umbrella Organization or Agency
2675.60	Methods of Giving

AUTHORITY: Authorized by Section 5 of the Voluntary Payroll Deductions Act of 1983 [5 ILCS 340/5].

SOURCE: Adopted at 19 Ill. Reg. **13578**, effective **SEP 25 1995**.

Section 2675.10 Scope

The University of Illinois is authorized to adopt its own rules for withholding from an officer's or employee's salary or wages an amount in accordance with the Voluntary Payroll Deductions Act of 1983 [5 ILCS 340].

Section 2675.20 Definitions

The words used in this Part are used with the same meaning assigned to them by statute unless clarified below.

"Campus Charitable Fund Drive Advisory Board" means the Board appointed by the Chancellor on an annual basis at the Urbana-Champaign campus to administer the annual Campus Charitable Fund Drive and to approve all campaign materials distributed to employees.

"Campus Charitable Fund Drive Participating Umbrella Organization or Agency" means those umbrella organizations or agencies which are qualified to participate in the annual Campus Charitable Fund Drive.

"Local and Community Service Funding" means the level of funding provided by the agency within Champaign County and the contiguous counties of Douglas, Ford, Piatt and Vermilion.

"State Qualified Agency" means those agencies affiliated with or

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members of agencies who have been determined to be qualified organizations by the State Comptroller under the Voluntary Payroll Deductions Act of 1983.

"Umbrella Organization or Agency Contact Person" means an individual employed by an agency or umbrella organization with an office or domicile within the State of Illinois who is listed on the application and available to answer inquiries.

Section 2675.30 Identification of Organization

- a) The Campus Charitable Fund Drive Advisory Board (hereinafter referred to as the "Advisory Board") recognizes agencies or organizations which are eligible under the Voluntary Payroll Deductions Act of 1983 as being eligible to be included in the Campus Charitable Fund Drive (hereinafter referred to as "CCFD") as long as the agency or organization complies with the requirements of this Part.
- b) An agency or organization which is a State Qualified Agency as determined by the State Comptroller under the Voluntary Payroll Deductions Act of 1983 and which complies with the requirements of this Part will be designated as a "Campus Charitable Fund Drive Participating Umbrella Organization or Agency" (hereinafter referred to as a "Participating Agency").
- c) Applications from new State Qualified Agencies who wish to be included in the CCFD must be received or postmarked no later than January 1 preceding the fall campaign and shall be addressed to the Advisory Board, Office of the Vice Chancellor for Administration and Human Resources, Swanlund Administration Building, 601 East John Street, Champaign, Illinois 61820.

Section 2675.40 Contents of Application

- a) Each State Qualified Agency or umbrella organization must provide to the Advisory Board the name of the agency, the name of an agency contact person, and an office address and phone number for the agency contact person.
- b) Each application will include the designation of at least one official representative with signature authorization, who can provide photographic identification upon request and who will be responsible for collection of cash/check contributions from the Cashiering Office within 60 days after the close of the CCFD.
- c) Each application shall include a certification that the agency or organization is a State Qualified Agency under the provisions of the Voluntary Payroll Deductions Act of 1983. Evidence that an agency or organization is a State Qualified Agency shall at a minimum be a letter from the State Comptroller designating the agency or organization as a qualified organization.
- d) Each application shall include the most recent annual audit and a

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management letter signed by the president or other authorized officer and the chief fiscal officer or independent auditor stating the administration and fund-raising expenses as a percentage of total expenditures, along with an address and telephone number of an office where donors can obtain information about local and community service funding.

- e) Each application shall include a full description of the services provided by the agency or organization and an expression of interest in being included in the CCFD.
- f) Within 15 working days, the Advisory Board will inform each applying agency or organization whether its application is complete. Failure to file a complete application by January 1 preceding the fall campaign will make the applicant ineligible to participate in the immediately following fall campaign.

Section 2675.50 Annual Requirements for Campus Charitable Fund Drive Participating Umbrella Organization or Agency

- a) Each Participating Agency which submits an application to the Advisory Board shall agree to pay an equal share of the cost of running the campaign on the Urbana campus, at a cost not to exceed \$1,000.00 per year for each agency. The equal share will be determined by dividing the total cost of the CCFD campaign materials by the number of Participating Agencies.
- b) The Advisory Board shall inform each Participating Agency in writing of its share of the cost of running the campaign by February 15 preceding the fall campaign.
- c) Failure to pay the Participating Agency's equal share of the campaign expenses by March 15 preceding the fall campaign will make the Participating Agency ineligible for inclusion in the fall campaign.
- d) A Participating Agency whose participation is being cancelled for failure to pay its fair share of the campaign expenses will receive a 10-day notice of the cancellation as long as their application has been determined to be complete by the Advisory Board.
- e) By March 15 preceding the fall campaign, each continuing Participating Agency shall provide the information listed in Section 2675.40(c), (d), and (e). If any change has occurred since the previous fall campaign in the information to be provided in Section 2675.40(a) and (b), then the continuing Participating Agency shall provide the most recent information.

Section 2675.60 Methods of Giving

- a) The University of Illinois at Urbana will offer payroll deductions to qualified organizations within the limitations of the current University payroll system.
- b) Contributions of cash and checks will be accepted as donations on behalf of Participating Agencies who are eligible to participate in

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the CCFD.

- c) The Advisory Board will publish an annual CCFD pledge card and brochure which will cover the collection and designation procedures to be used, provide information about the Participating Agencies, and encourage employee giving.

DEPARTMENT OF MENTAL HEALTH
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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Recipient Rights
- 2) Code Citation: 59 Ill. Adm. Code 111
- 3) Section Number: Emergency Action:
111.30 Added
- 4) Statutory Authority: Implementing the National Voter Registration Act of 1993 (42 U.S.C. 1973gg (1995)) and authorized by the Section 5-104 of the Mental Health and Developmental Disabilities Code (405 ILCS 5/5-104) and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].
- 5) Effective Date of Amendment: September 15, 1995.
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This amendment will not expire before the end of the 150-day period.
- 7) Date Filed in Agency's Principal Office: September 15, 1995.
- 8) Reason for Emergency: The State of Illinois has been ordered by the U.S. District Court to implement the National Voter Registration Act (NVRA) as soon as possible (ACORN et al v. Edgar, 95 C 174, N.D. Ill.). The Department of Mental Health and Developmental Disabilities is one of the State agencies required to offer registration under the NVRA.
- 9) A Complete Description of the Subjects and Issues Involved: Section 111.30 sets out the procedures for State-operated facilities and community agencies providing mental health and developmental disabilities services to offer service applicants the opportunity to register to vote in federal elections only. It also sets out requirements for sending completed registration forms to the election authority of the location where the applicant resides and for the retention of voter information forms completed by service applicants.
- 10) Are there any other proposed amendments pending on this Part? No.
- 11) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act [30 ILCS 805].
- 12) Information and questions regarding these amendments shall be directed to:

Judith Hollenberg
Rules Administrator
Department of Mental Health and Developmental Disabilities

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES
NOTICE OF EMERGENCY AMENDMENT

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 111
RECIPIENT RIGHTS

Section

111.10 Nondiscrimination on the basis of handicap in the delivery of services under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. 701 et seq., 1982)

111.20 Service to hearing impaired and non-English/Limited English speaking (NE/LES) recipients in Department of Mental Health and Developmental Disabilities facilities

111.30 Voter registration for service applicants
EMERGENCY

AUTHORITY: Section 111.10 implementing 29 U.S.C. 794 (1995) and 45 CFR 84 (1994); Section 111.20 implementing Sections 2-102(a) and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a) and 4-205]; Section 111.30 implementing the National Voter Registration Act of 1993 (42 U.S.C. 1973gg (1995)); authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

SOURCE: Adopted at 8 Ill. Reg. 22086, effective November 1, 1984; emergency amendment at 19 Ill. Reg. **13584**, effective September 15, 1995, for a maximum of 150 days.

Section 111.30 Voter registration for service applicants
EMERGENCY

In accordance with the National Voter Registration Act of 1993 (42 U.S.C. 1973gg (1995)), all service applicants to Department facilities and community agencies receiving funds from the Department shall be informed of their rights concerning the application for voter registration for federal elections and shall be given an opportunity to apply to register to vote when applying for services.

a) Definitions

For the purposes of this Section, the following terms are defined:

"Applicant" or "service applicant". An individual 18 years of age or older who requests mental health or developmental disabilities services for himself or herself or for whom services are requested. This includes wards of guardians of the person, individuals alleged to be subject to involuntary or judicial

DEPARTMENT OF MENTAL HEALTH
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403 Stratton Building
Springfield, IL 62765
(217) 785-3313 or FAX: (217)524-0835

The full text of the emergency amendment begins on the next page.

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admission and individuals committed to the Department as unfit to stand trial or not guilty by reason of insanity. It does not include individuals committed as guilty but mentally ill, transferred to the Department from the Department of Corrections or who are pre-trial detainees or inmates of county jails.

"Community agency". An entity that provides mental health or developmental disabilities services through a grant agreement or purchase of service contract with the Department.

"Department". The Department of Mental Health and Developmental Disabilities.

"Information forms". Voter registration application forms on which individuals are asked if they want to apply to register to vote and to check a box indicating their preference.

"Mental health or developmental disabilities services". This phrase includes the following: examination, diagnosis, evaluation, training, outpatient treatment, hospitalization, psychotherapy, pharmaceuticals, residential care, day care, special living arrangements, sheltered employment, protective services, and counseling; it does not include crisis services.

b) Procedures for explanation of rights and presentation of application

- 1) When an applicant applies for mental health or developmental disabilities services to any community agency or facility operated by the Department, the staff shall:

- A) Inform the applicant of his or her rights to execute or decline to execute a voter registration application, as set out in the State Board of Election's rules at 26 Ill. Adm. Code 215.

- B) Provide the applicant with an information form that asks if he or she would like to register to vote and containing boxes which can be checked to indicate whether the applicant would like to register to vote.

- C) Provide the applicant with a voter registration application form supplied by the State Board of Elections unless the applicant declines to apply to register to vote.

2) Staff shall not:

- A) Seek to influence an applicant's political preference or party registration;

- B) Display any such political preference or party allegiance;

- C) Make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

- D) Make any statement to an applicant or take any action the

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purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services. (42 U.S.C. 1973gg-5(a)(5))

- 3) If the applicant indicates either by checking the appropriate box or verbally (if he or she cannot write) that he or she wants to apply to register to vote, staff shall assist the applicant in filling out the voter registration form. Assistance shall include, but not be limited to, translators (for non-English or limited-English speakers), sign language interpreters (for deaf or deafened individuals), readers (for sight-impaired persons) and a verbal explanation of the form, as appropriate. The form shall then be mailed, in accordance with subsection (c) of this Section.

- 4) If the applicant indicates by checking the appropriate box or verbally that he or she declines to apply to register, the staff shall ask the individual to sign the form and shall retain the form in accordance with subsection (d) of this Section.

- 5) If the applicant does not check either box and does not communicate any choice, the staff shall treat the lack of choice as a declination, note that the applicant did not indicate a preference on the form and retain the form in accordance with subsection (d) of this Section.

- 6) Staff shall offer the applicant an opportunity to apply to register to vote, as set out in subsection (b)(1) of this Section, on each admission, unless the applicant indicates that he or she has applied to register to vote or indicates that he or she is already registered. Because it may be clinically contraindicated to offer the applicant the opportunity to apply to register to vote immediately on admission, staff may choose to wait until the applicant's clinical condition has stabilized before offering the opportunity to apply to register to vote. In all cases an applicant shall be offered the opportunity to apply to register to vote no later than 30 calendar days following the development of the initial treatment or habilitation plan. Each community agency or facility operated by the Department shall develop procedures to implement this requirement that are consistent with the clinical and programmatic needs of the applicant and the administrative and operational requirements of the agency or facility.

c) Procedures for registration

If an applicant executes an application for voter registration, staff shall send it to the election authority of the location where the applicant resides within 10 calendar days after the form is executed pursuant to the State Board of Elections rules at 26 Ill. Adm. Code 215.

d) Information forms

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- 1) The facility or agency shall retain the information forms for five years after the execution of the form. The forms will be used for statistical reporting purposes and the forms or the names of those persons who executed them shall not be released.
- 2) The information forms shall be stored separately from the recipient's clinical records.
- e) Community agency certification
Community agencies shall certify to the Department annually that they were in compliance with the requirements of this Section and the applicable law.

(Source: Emergency amendment at 19 Ill. Reg. **13584**, effective September 15, 1995, for a maximum of 150 days)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY RULE

- 1) Heading of the Part: Voter Registration Program
- 2) Code Citation: 89 Ill. Adm. Code 900
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
900.10	New
900.20	New
900.30	New
900.40	New
900.50	New
900.60	New
900.70	New

- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and the National Voter Registration Act (42 U.S.C. 1973gg, et seq.)

- 5) Effective Date of Rule: September 25, 1995

- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which they expire: Upon adoption of the regular rulemaking filed the same date.

- 7) Date Filed in Agency's Principal Office: September 15, 1995

- 8) Reason for Emergency: Implementing the provisions of the National Voter Registration Act as ordered by the federal Court of Appeals

- 9) A Complete Description of the Subjects and Issues Involved: Pursuant to the National Voter Registration Act, DORS, as the State's lead agency in providing services to individuals with disabilities, must offer certain customers the opportunity to apply to register to vote at various times during the provision of services. These rules describe the process and procedures that will be followed by DORS.

- 10) Are there any proposed amendments to this Part Pending? No

- 11) Statement of Statewide Policy Objectives: Not Applicable

- 12) Information and questions regarding these rules shall be directed to:

Name: Ms. Susan Warner, Manager
Address: Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone: (217) 785-3896

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY RULE

Re: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the emergency rules begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF EMERGENCY RULE

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER h: MISCELLANEOUS PROGRAMS

PART 900

VOTER REGISTRATION PROGRAM

Section

900.10 Definitions

EMERGENCY

900.20 General Authority

EMERGENCY

900.30 Opportunities for Registration to Vote

EMERGENCY

900.40 Effect on Registration to Vote on Determination of Eligibility for DORS Services, or Receiving Continued or Further Services

EMERGENCY

900.50 Procedures for Registration to Vote

EMERGENCY

900.60 Disposition of Declaration and Registration Forms

EMERGENCY

900.70 Registration Opportunities for Students Attending DORS Residential Schools

EMERGENCY

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3] and the National Voter Registration Act of 1993 (42 U.S.C. 1973gg, et seq.).

SOURCE: Emergency Rules at 19 Ill. Reg. **13590**, effective September 25, 1995, for a maximum of 150 days.

Section 900.10 Definitions

EMERGENCY

For the purpose of this Part, the following terms shall have the following meanings:

Customer - any individual who is 18 years of age or older and has applied for or been determined eligible to receive services through DORS Vocational Rehabilitation (VR) Program, Total Life Planning (TLP) Program, Home Services Program (HSP), or Community Residential Services for the Blind and Visually Impaired (CRSBVI).

DORS Staff - for the purpose of voter registration, a rehabilitation counselor, rehabilitation instructor, rehabilitation case coordinator, marketing and employment specialist, or any contractor determined by DORS appropriate to take applications for voter registration.

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Representative - any individual designated by the customer as having the authority to sign documents related to application for voter registration on behalf of the customer.

Section 900.20 General Authority EMERGENCY

Pursuant to the National Voter Registration Act of 1993 (42 U.S.C. 1973gg, et seq.), DORS Staff shall offer the opportunity to apply to register to vote in federal elections to any customer, as defined in Section 900.10 above.

Section 900.30 Opportunities for Registration to Vote EMERGENCY

a) A customer shall be offered the opportunity to apply to register to vote in federal elections only and provided a copy of his/her rights regarding registration at the following times while he/she is receiving services from DORS, as appropriate to the program through which the customer is receiving services.

- 1) At the time of application for services.
 - 2) For a customer of the VR Program, at the time of annual review of his/her Individualized Written Rehabilitation Program (IWRP) (89 Ill. Adm. Code 572).
 - 3) For a customer of HSP, at the time of redetermination of eligibility (89 Ill. Adm. Code 698).
- b) Further, at any time the customer requests to apply to register during the period of time he/she is actively receiving services from DORS or notifies DORS of a change of address, the customer shall be provided a mail-in voter registration application.

Section 900.40 Effect on Registration to Vote on Determination of Eligibility for DORS Services, or Receiving Continued or Further Services EMERGENCY

- a) DORS Staff shall offer the opportunity for any customer to apply to register to vote in federal elections; however, the decision to apply to register or decline to apply to register shall be the sole decision of the customer. DORS will neither persuade nor dissuade a customer in the decision.
- b) The decision to apply to register to vote shall have no bearing on the determination of the customer's eligibility for the services from DORS for which he/she has applied, nor shall it affect the customer's eligibility for future or continued services or benefits from DORS.

Section 900.50 Procedures for Registration to Vote EMERGENCY

At each of the points of service listed in Section 900.30(a), a customer will

DEPARTMENT OF REHABILITATION SERVICES

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be provided a copy and explanation of his/her rights, as they pertain to voter registration for federal elections, and will be provided a form to declare his/her choice to apply to register to vote in federal elections, or his/her declination to apply to register to vote. The form, with the customer's choice indicated, must be dated and signed by the customer, or as appropriate, the customer's representative.

- a) If the customer, at his/her own choice, chooses to apply to register to vote in federal elections only, he/she will be given the appropriate forms to complete in private to apply to register to vote. If requested, DORS Staff will provide assistance in the completion of the registration forms.
- b) If the customer, at his/her own choice, declines to apply to register to vote, the DORS staff person shall ensure the declaration form is correctly completed.

Section 900.60 Disposition of Declaration and Registration Forms EMERGENCY

- a) After completion of the declaration form described in Section 900.50 above, the form shall be retained by DORS in a confidential manner separate from the customer's case record and for a minimum of 2 years. The form shall be retained by DORS for the purpose of statistical reporting and to verify an individual customer's choice regarding application to register to vote.
- b) If the customer has chosen to apply to register to vote, and completes the registration form prescribed by the Illinois State Board of Elections, the forms shall be forwarded to the appropriate election authority, in a manner to protect the confidentiality of the customer, to process the customer's registration.
- c) Pursuant to the time frames established by the Illinois State Board of Elections for the transmission of applications for voter registration for federal elections only at 26 Ill. Adm. Code 215, DORS shall submit completed applications to the local election officials as follows:
 - 1) within 10 days after the date of receipt if received by DORS 5 or more days prior to the close of voter registration; or
 - 2) within 5 days if received 5 days or less from the close of voter registration.

Section 900.70 Registration Opportunities for Students Attending DORS Residential Schools EMERGENCY

In addition to the opportunities given DORS' customers to register to vote under the National Voter Registration Act of 1993 (42 U.S.C. 1973gg, et seq.), all students who are at least 18 years of age who are attending the Illinois School for the Deaf, the Illinois School for the Visually Impaired, or the Illinois Center for Rehabilitation and Education-Roosevelt will be given the opportunity to register to vote.

DEPARTMENT OF PUBLIC AID

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: Adopted Action:
121.57 Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: This peremptory rulemaking is required by Section 5(g)(2) of the Food Stamp Act (7 U.S.C. 2014(g)(2)).
- 5) Statutory Authority: Sections 12-4.4 through 12-4.6 and 12-13 of the Illinois Public Aid Code (305 ILCS 5/12-4.4 through 4.6 and 12-13) and Section 13923 of the Mickey Leland Childhood Hunger Relief Act (P.L. 101-624) which amends Section 5(g)(2) of the Food Stamp Act (7 U.S.C. 2014(g)(2)).

6) Effective Date: October 1, 1995

7) Complete Description of the Subjects and Issues Involved: These proposed amendments increase the disregarded amount for the fair market value of licensed vehicles. The disregarded amount for the fair market value of licensed vehicles is being adjusted to reflect changes in the new car component of the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics for the 12-month period ending on June 30, 1995 and rounded to the nearest \$50. The fair market value of licensed vehicles is considered when calculating household assets to determine eligibility for Food Stamp benefits.

As a result of these proposed amendments, the Department will consider the fair market value of a licensed vehicle in excess of \$4,600 unless the vehicle is exempted as stated in Section 121.58. All licensed vehicles which are not excluded will be individually evaluated for fair market value and that portion of the value which exceeds \$4,600 will be attributed in full toward the household's resource level, regardless of any encumbrances on the vehicles. For example, a household owning an automobile with a fair market value of \$5,600 will have \$1,000 applied toward its resource level. Any value in excess of \$4,600 will be attributed to the household's resource level, regardless of the household's investment in the vehicle and regardless of whether the vehicle is used to transport household members to and from employment. Each vehicle will be appraised individually. The fair market values of two or more vehicles will not be added together to reach as total fair market value in excess of \$4,600.

3) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT OF PUBLIC AID

NOTICE OF PEREMPTORY AMENDMENTS

- 9) Date Filed in Agency's Principal Office: October 1, 1995
 - 10) This rulemaking is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.
 - 11) Are there any Amendments pending on this Part? Yes
- | Sections | Proposed Action | Illinois Register Citation |
|----------|-----------------|--|
| 121.160 | Amendment | June 16, 1995 (19 Ill. Reg. 7786) |
| 121.160 | Amendment | September 8, 1995 (19 Ill. Reg. 12602) |
| 121.162 | Amendment | June 16, 1995 (19 Ill. Reg. 7786) |
| 121.162 | Amendment | September 8, 1995 (19 Ill. Reg. 12602) |
| 121.182 | Amendment | June 16, 1995 (19 Ill. Reg. 7786) |
| 121.182 | Amendment | September 8, 1995 (19 Ill. Reg. 12602) |
| 121.184 | Amendment | June 16, 1995 (19 Ill. Reg. 7786) |
- 12) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

13) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Peremptory Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF PEREMPTORY AMENDMENTS

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121
FOOD STAMPS

SUBPART A: APPLICATION PROCEDURES

SUBPART D: ELIGIBILITY STANDARDS

Section	
121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services
121.10	Interviews

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

121.19	Ending a Voluntary Quit Disqualification
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements (Repealed)
121.24	Individuals Exempt From Work Registration Requirements (Repealed)
121.25	Failure to Comply (Repealed)
121.26	Period of Disqualification (Repealed)
121.27	Voluntary Job Quit
121.28	Good Cause for Voluntary Job Quit
121.29	Exemptions from Voluntary Quit Rule

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder

121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

Section

121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions From Monthly Income
121.64	Coupon Allotment

SUBPART E: HOUSEHOLD CONCEPT

Section

121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or Categorical Eligibility

SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section

121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting
121.91	Monthly Reporting
121.92	Retrospective Budgeting
121.93	Direct Mail Issuance of Food Stamp Coupons
121.94	Replacement of Food Stamp Coupons
121.95	Restoration of Lost Benefits
121.96	Uses For Food Coupons
121.97	Supplemental Payments
121.98	Food Stamp Simplified Application Demonstration Project (Repealed)
121.120	Recertification of Eligibility
121.130	Residents of Shelters for Battered Women and their Children

DEPARTMENT OF PUBLIC AID

NOTICE OF PEREMPTORY AMENDMENTS

121.135 Incorporation By Reference
121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section
121.150 Definition of Intentional Violations of the Program
121.151 Penalties for Intentional Violations of the Program
121.152 Notification To Applicant Households
121.153 Disqualification Upon Finding of Intentional Violation of the Program
121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section
121.160 Persons Required to Participate
121.162 Participation and Cooperation Requirements
121.164 Orientation
121.166 Assessment and Employability Plan
121.170 Job Search Component
121.172 Basic Education Component
121.174 Job Readiness Component
121.176 Work Experience Component
121.178 Job Training Component
121.180 Grant Diversion Component
121.182 Earnfare Component
121.184 Sanctions
121.186 Good Cause for Failure to Cooperate
121.188 Supportive Services
121.190 Conciliation and Fair Hearings
121.200 Types of Claims (Recodified)
121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)
121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)
121.203 Collecting Claim Against Households (Recodified)
121.204 Failure to Respond to Initial Demand Letter (Recodified)
121.205 Methods of Repayment of Food Stamp Claims (Recodified)
121.206 Determination of Monthly Allotment Reductions (Recodified)
121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)
121.208 Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

DEPARTMENT OF PUBLIC AID

NOTICE OF PEREMPTORY AMENDMENTS

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amended at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17998; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill.

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF PEREMPTORY AMENDMENTS

NOTICE OF PEREMPTORY AMENDMENTS

Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9988, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill.

Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995.

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section 121.57 Assets

a) The value of nonexempt non-exempt assets shall be considered in determining eligibility.

b) Value of Nonexempt Non-Exempt Assets
 1) The value of nonexempt non-exempt assets is the equity value (fair market value less than the amount owed), except for licensed vehicles.

2) The Department considers the following assets in determining eligibility:

A) Liquid Assets

i) Liquid assets are those properties in the form of cash or other financial instruments which are convertible to cash, such as, but not limited to, cash on hand, money, in checking or savings accounts, credit union accounts, savings certificates, stocks, or bonds, lump-sum payments, IRA's and Keogh Plans that do not involve a contractual relationship with someone who is not a member of the same food stamp household.

ii) The amount of the Keogh Plan or IRA to be counted as an asset is the total value minus any amount that would be lost for early withdrawal. The amount considered is the amount the individual would receive if the account were closed. An individual (one-person) Keogh Plan is the nonexempt non-exempt asset. However, the Keogh Plan involving a household member and someone who is not a member of the same food stamp household is exempt unless the client can make withdrawals from the account without affecting the other individual or individuals individually.

B) Nonliquid Assets

Nonliquid assets are those properties which are not in the form of cash or other financial instruments, such as personal property, licensed vehicles, unlicensed vehicles, buildings, land, recreational properties, and any other property not specifically exempted in Section 121.58.

C) Assets of Sponsors of Aliens

Consider the assets of the sponsor and the sponsor's spouse who sponsored an alien on or after February 1, 1983 (7 CFR 272.1(g)(54)(1984)) in accordance with Section 121.55.

DEPARTMENT OF PUBLIC AID

NOTICE OF PEREMPTORY AMENDMENTS

D) Licensed Vehicles

- i) The Department considers the fair market Fair--Market value of a licensed vehicle in excess of \$4600 \$4500 unless exempted as stated in Section 121.58.
- ii) The Department considers the equity value of a licensed vehicle unless exempted as stated in Section 121.58.
- iii) If both equity value and excess fair market value are considered, the Department uses the value which is greater.
- iv) The Department shall assign fair market values of licensed vehicles determined by the value of those vehicles as listed in the National Automobile Dealers Association (NADA) Used Car Guide (1984). The fair market values shall be updated every six months.

(Source: Peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995)

ILLINOIS ATTORNEY GENERAL

NOTICE OF PUBLIC INFORMATION

PROPOSED INTERIM CONSENT ORDER FOR THE NEW JERSEY ZINC/
MOBIL CHEMICAL SITE

Proposed Consent Decree pursuant to the Illinois Environmental Protection Act and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) for the site commonly known as the New Jersey Zinc/Mobil Chemical Site.

AGENCY: Illinois Attorney General and Illinois Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: The Illinois Attorney General at the request of the Illinois Environmental Protection Agency (IEPA) is proposing to enter an interim consent order in which Horsehead Industries, Inc., Mobil Oil Corporation and Viacom International Inc. agree to pay the past and future costs incurred by the State in connection with the Site, to conduct Remedial Investigations and Feasibility Studies (RI/FS's) of the Site into DePue Lake. The proposed interim consent order is filed in the Circuit Court of Bureau County. This proposed interim consent order is intended to resolve the liability of the current and former owners of the Site, Horsehead Industries, Inc., Mobil Oil Corporation and Viacom International Inc., for the State's past costs, the RI/FS's and the implementation of a plan to treat the water flowing from the Site into DePue Lake. The Site is located in Depue, Illinois. This notice seeks to elicit public comments to the proposed interim consent order between the State of Illinois and Horsehead Industries, Mobil Oil Corporation and Viacom International Inc. for the New Jersey Zinc/Mobil Chemical Site.

DATE: Comments must be received on or before October 30, 1995.

ADDRESS: Comments should be addressed to Elizabeth Wallace/Susan Horn, Assistant Attorney's General, Environmental Bureau, Illinois Attorney General's Office, 100 W. Randolph, 12th Floor, Chicago, Illinois 60601 and should refer to the New Jersey Zinc/Mobil Chemical Site.

SUPPLEMENTAL INFORMATION: In accordance with Section 122(i)(1) of CERCLA, notice is hereby given of a proposed interim consent order that is filed in the Circuit Court of Bureau County concerning the New Jersey Zinc/Mobil Chemical Site located along Marquette Street in Depue, Illinois. A map of the Site is included with the interim consent order. The settlement resolves a complaint which was filed simultaneously with the interim consent order for water pollution violation of the Illinois Environmental Protection Act (Act) and cost recovery claims arising from Section 22.2(f) of the Act. The interim consent order requires Horsehead Industries, Inc., Mobil Oil Corporation and Viacom International Inc. to reimburse the State for all costs incurred in connection with the Site, to conduct RI/FS's at the Site and to treat the water flowing

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY
SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 12th through September 18, 1995 and have been scheduled for review by the Committee at its October 17, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
10/28/95	Illinois Racing Board, Win, Place and Show Pools (11 Ill Adm Code 301)	7/7/95 19 Ill Reg 9079	10/17/95
10/28/95	Illinois Racing Board, Daily Double (11 Ill Adm Code 303)	7/7/95 19 Ill Reg 8947	10/17/95
10/28/95	Illinois Racing Board, Quinella (11 Ill Adm Code 304)	7/7/95 19 Ill Reg 9021	10/17/95
10/28/95	Illinois Racing Board, Perfecta (11 Ill Adm Code 305)	7/7/95 19 Ill Reg 9008	10/17/95
10/28/95	Illinois Racing Board, Trifecta (11 Ill Adm Code 306)	7/7/95 19 Ill Reg 9056	10/17/95
10/28/95	Illinois Racing Board, Twin Trifecta (11 Ill Adm Code 307)	7/7/95 19 Ill Reg 9066	10/17/95
10/28/95	Illinois Racing Board, Supertrifecta (11 Ill Adm Code 309)	7/7/95 19 Ill Reg 9033	10/17/95

ILLINOIS ATTORNEY GENERAL
NOTICE OF PUBLIC INFORMATION
PROPOSED INTERIM CONSENT ORDER FOR THE NEW JERSEY ZINC/
MOBIL CHEMICAL SITE

from the Site into DePue Lake.

The State of Illinois may withdraw its consent if comments received disclose facts which indicate that the interim consent order is inappropriate, improper or inadequate. For thirty (30) days following the date of publication of the notice, the Illinois Attorney General will receive written comments relating to the interim consent order.

A copy of the proposed interim consent order can be found at the Selby Township Library in DePue and at the Circuit Court of Bureau County in Princeton.

PUBLIC MEETING: A public meeting will be held on October 17, 1995 at 2:00 p.m. and 7:00 p.m. at the VFW Hall in DePue to discuss the proposed interim consent order.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
10/28/95	Illinois Racing Board, Supertrifecta Exchange (11 Ill Adm Code 310)	7/7/95 19 Ill Reg 9038	10/17/95
10/28/95	Illinois Racing Board, Repeal of Daily Double Rules (11 Ill Adm Code 406)	7/7/95 19 Ill Reg 8951	10/17/95
10/28/95	Illinois Racing Board, Repeal of Quinella (11 Ill Adm Code 407)	7/7/95 19 Ill Reg 9025	10/17/95
10/28/95	Illinois Racing Board, Repeal of Perfecta or Exacta (11 Ill Adm Code 408)	7/7/95 19 Ill Reg 9012	10/17/95
10/28/95	Illinois Racing Board, Repeal of Trifecta (11 Ill Adm Code 409)	7/7/95 19 Ill Reg 9061	10/17/95
10/28/95	Illinois Racing Board, Repeal of Supertrifecta Rules (11 Ill Adm Code 421)	7/7/95 19 Ill Reg 9045	10/17/95
10/28/95	Illinois Racing Board, Repeal of Twin Trifecta Exchange (11 Ill Adm Code 440)	7/7/95 19 Ill Reg 9072	10/17/95
10/28/95	Department of Public Health, Private Sewage Disposal Code (77 Ill Adm Code 905)	3/17/95 19 Ill Reg 3299	10/17/95
11/1/95	Department of Transportation, Alternate Fuel Systems for School Buses (92 Ill Adm Code 449)	7/21/95 19 Ill Reg 10443	10/17/95

PROCLAMATIONS

95-437

TREATMENT WORKS! MONTH

Whereas, alcohol and other drug abuse and dependence are complex problems that are preventable and treatable; and

Whereas, approximately 840,000 Illinoisans have problems with alcohol and other drug use and can benefit from intervention or treatment; and

Whereas, the disease of alcoholism and substance abuse is a serious health problem that affects every community in America; and

Whereas, treatment can reduce alcohol and other drug-related criminality, healthcare costs, and it can lead to increased employment stability, improved school performance, healthier relationships, and higher self-esteem; and

Whereas, research shows that one dollar invested in treatment for alcohol and other drug problems saves taxpayers \$7.14 in future costs; and

Whereas, thousands of health care providers have dedicated their lives to the recovery process and work to educate the public about alcoholism, substance abuse, and treatment issues;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 1995 as TREATMENT WORKS! MONTH in Illinois and urge all citizens to support this worthy effort.

Issued by the Governor September 5, 1995.

Filed by the Secretary of State September 8, 1995.

95-438

FRIENDS OF CSU SCHOLARS DAY

Whereas, Chicago State University's enrollment has increased from 6,000 to more than 10,000 since 1989, making it the fastest growing public university in Illinois; and

Whereas, Chicago State University is the leader in Illinois and the Best in the Midwest in the number of baccalaureate degrees awarded to African-Americans; and

Whereas, Chicago State University serves approximately one-third of all African-Americans who are enrolled at public universities in Illinois; and

Whereas, the economic future of Illinois is tied closely to Chicago State University's ability to produce a diverse workforce; and

Whereas, nearly three-fourths of Chicago State University graduates find full-time employment within six months of graduation; and

Whereas, Chicago State University is committed to the Three Point Model for Student Success that helps students before, during, and after college; and

Whereas, Donald Perkins and Jane Perkins have demonstrated leadership in founding the Friends of CSU Scholars Program; and

Whereas, the Friends of CSU Scholars is one of Chicago State University's most beneficial programs, linking African-American and Hispanic students with top business leaders;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 14, 1995, as FRIENDS OF CSU SCHOLARS DAY in Illinois.

Issued by the Governor September 6, 1995.

Filed by the Secretary of State September 8, 1995.

95-439

MARROW DONOR AWARENESS WEEK

Whereas, the National Marrow Donor Program has, since its inception in 1986, energetically recruited and identified volunteer donors for patients in need of unrelated bone marrow transplants; and

Whereas, the National Marrow Donor Program is still seeking volunteer donors willing to donate bone marrow to patients needing a transplant; and

Whereas, transplantation technology has achieved remarkable success during the past several decades, thereby increasing ways to further develop our crusade to fight life-threatening illnesses; and

Whereas, this non-profit organization has developed a registry of more than 1.6 million volunteer donors and facilitated approximately 70 transplants every month nationwide; and

Whereas, in conjunction with National Marrow Donor Program efforts, there are currently 34,823 Illinois residents who have volunteered as donors and 114 residents of Illinois who have received transplants;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 10-16, 1995, as MARROW DONOR AWARENESS WEEK in Illinois in support of the National Marrow Donor Program's search for lifesavers and to heighten the awareness of our citizens about the crucial need for marrow donors.

Issued by the Governor September 6, 1995.

Filed by the Secretary of State September 8, 1995.

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